File

J 28539
B 717-B

Washington. February 6th 1879.

DEPARTMENT OF STATE
FEB 6 1879
RECEIVED

To.

Honorable William M. Evarts.

&c. &c. &c.

Sir:—

I beg leave to hand to you the following papers:—

A letter addressed to me on the 31st of January 1867 by Messieurs Olyphant and Company, Russell and Company, Augustine Heard and Company and others, of Shanghae. 1/

A letter addressed to me on the 18th of the same month by Charles A. Winchester, Charles H. Goodwin, Charles F. Butcher and others, of Shanghae. 2/

A

A letter addressed to me on the 9th of May 1872 by Ls. Figueroli, John Dent and F. B. Johnson, representing respectively the Consular Body, the Municipal Council and the Chamber of Commerce, of Shanghai, and others 3/c

A letter addressed to me on the 29th of May 1876 by W. S. Wetmore, W. Scott Fitz, Frederick D. Bell and others, of Shanghai. 4/c

These letters have not been transmitted by me to the Department heretofore for reasons of delicacy which will suggest themselves to you. It appears appropriate however to hand them to you at this moment in view of the attacks recently made upon my official and private life.

I respectfully ask that copies

of the several documents be filed with this dispatch and that the original papers be held subject to my call.

I have the honor to be.

Sir:—

Your obedient servant.

George F. Seward

I have to day received the several enclosures herein named.

G. F. S.

Apr. 14. 1879

File.

Mr Adee

No. 118.

DEPARTMENT OF STATE
APR 19 1879
RECEIVED

Legation of the United States.
Peking, February 12th, 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Receipt of Department instructions.

Synopsis.

Instructions numbered 261, 262, and 263, have been received.

No. 118.

Legation of the United States.
Peking, February 12th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your instructions, numbered 261. 262. and 263.

I have the honor to be,
Sir.
Your obedient servant.
Chester Holcombe

Ack'd with approval April 22. Mr. Peck.

Ack & approve Chargé's position in the case
W. Adee
C. P.
dir Adee

No. 119. One Enclosure.

Legation of the United States.
Peking, February 13th, 1879.

DEPARTMENT OF STATE
APR 19 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Russell & Company *versus* Shen Loushan.

Synopsis.

Mr. Holcombe reverts to his despatch, number 90, and states that the Hankow Intendant, although fully informed as to the nature of the trial demanded, still refuses to grant it. Will await the result of the instructions sent to the Provincial Authorities before taking further action in the case.

No. 119. One Enclosure.

Legation of the United States.
Peking, February 13th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Recurring to the correspondence between this Legation and the Department in the case of Messrs. Russell & Company versus Shen Loushan, at Hankow, and more particularly to my number 90., in which I pointed out a serious error in the Chinese text of Mr. Consul Shepard's despatches to the local authorities, I now have the honor to enclose herewith a further despatch which 1/119 has been received from Hankow in the case.

You will see from it and its enclosures that the Intendant of Circuit, after receiving a careful explanation, which I put before him in unmistakably clear language the nature of the trial demanded by Mr. Shepard, still persisted in his refusal to hear the case.

I have thought best to await the result of the instructions which, as you were informed in my number 101, Prince Kung had addressed to the Provincial Authorities, before approaching the Foreign Office again in the business.

I

I have the honor to be,
Sir,
Your obedient servant,
Chester Holcombe

Enclosure.

1. Mr. Shepard to Mr. Holcombe
No. 26. December 24th, 1878.

Despatch No. 119.
Inclosure.

Mr. Shepard to Mr. Holcombe.
No. 26 December 24th, 1878.

Sir:-

I have the honor to acknowledge your several despatches Nos 53 to 56 inclusive. The several suggestions contained therein have my attention and will be duly observed.

Referring especially to the last despatch, of the 5th instant, I respectfully remark that I have considered its contents, and submit this reply in explanation.

The inference you have made, — that in my general correspondence with the Intendant, in the case of Messrs Russell & Co., my interpreter had used the term you note, — is the actual fact. We found the term "huei shen" (會審), used in the translation of the treaty, and so adopted it in my correspondence. But previous to writing my last communication to him, numbered 232, and dated Nov. 13, ulto., in conversation with my present Interpreter, Mr Jenkins, I discovered just what you have done in examining the dispatches, viz: that His Excellency might possibly have taken advantage of my use of the term referred to, and have based his refusal of my demand thereon, although I had made my purpose indisputably plain in the English. I at once saw the importance of making my intent unmistakably exact. Accordingly in my number 232, I said explicitly — "you "seem to cavil at the phrase '*joint investigation*', "as though I demanded something not to be "allowed. All I ask is x x x x an — "examination of the case at which I can "be present and offer all the evidence bearing "upon it". After urging this anew, I added — "*I know very well that the final decision rests with you*".

I enclose herewith a copy of that despatch both in English & Chinese, marked "No 1" & "No 1 a", just as both were sent: for I may remark that I invariably send my correspondence with native officials, both in English and Chinese translations. I instructed the Interpreter to make very certain the kind of examination I must have, and we took counsel together over the phrase to be used. He assures me that he has made it absolutely clear, and that the Chinese translation herewith will demonstrate the fact. The reply of the Intendant herewith, marked No. 2, dated November 18th ultimo, received subsequent to my sending to you the report of progress in the case, shows clearly, I think, that he fully comprehended the nature and effect of the examination I demanded, as he distinctly recognizes the difference between the terms used, but still refuses any kind of investigation whatever.

With these additional papers in your hands, accompanied by the foregoing explanations, I think you will agree with me, that any further communication with him will be useless, until the higher powers compel him to act and render a respectful attention to Treaty rights, if not to justice. If, however, you still think a farther appeal to be reasonable I shall cheerfully make it.

I am. &c.

(signed) Isaac F. Shepard.

Mr. Shepard to The Taotai.

No. 232. November 13th, 1878.

Sir:-

In the matter of Russell & Co. v. Shin Tou Shan I respectfully acknowledge your communication of yesterday, in which you again ask to whom the Bills of Lading were issued. In answer I have to say that when you will appoint a time for the investigation of this important case, as I have repeatedly said heretofore, I will gladly produce all the evidence in the matter, including the Bills of Lading and all circumstances connected with them, and all the obligations and privileges under them, as I have in my possession one of each set of the three originals granted at the time of shipment.

I cannot understand your hostility to so reasonable and just a way to settle this affair, authorized and directed both by Treaty and the Tsung Li Yamên, - and which I once more assure you is the only way it can ever be settled. You seem to cavil at the phrase "joint investigation" as though I demanded something not to be allowed. All I ask, and all I have asked is just exactly what both you and I understand the Tsung-Li Yamên has directed you to give me,— viz: an examination of the case at which I can be present and offer all the evidence bearing upon it. You have denied this on the ground that the case is simple, and you need no light upon it. I deny that you understand it,- deny that you have examined it in any proper sense,— and respectfully demand a full investigation when I can give evidence and information that I am sure you know nothing of, for it has not been communicated to you. The fact that you are now inquiring about the Bills of Lading, after you have repeatedly written me that the case was decided, is proof incontrovertible that you have attempted to make a decision without knowledge. I ask for the privilege to give you that knowledge in behalf of my countrymen, and to deny it to me is a palpable wrong, subversive alike of Treaty obligations and common justice. I know very well that the final decision is with you, subject, of course, to appeal to Peking, if your decision seems contrary to the evidence, and I once more ask you to appoint an examination, when I will satisfy you fully in regard to the Bills of Lading, - Shin-Tou-Shan's - connection with, - and obligations under them, and every other fact I believe it important for you to know before you presume to pass judgment.

Will you appoint such a time? I wish a direct answer, for I assure you I shall not waste any more time in imparting partial proofs, that only end in useless - discussion, either at interviews or by tedious letters.

It is proper to say I am preparing a full report of the progress of the case - since my despatch to Peking on January 26th, which I shall at once send to the United States Legation, with copies of all our correspondence, together with my protest against what I think your unjust and disrespectful refusal of my rights.

I am, &c
Signed Isaac F. Shepard

The Taotai to Mr. Shepard.

Nov 18th, 1878.

I am in receipt of your despatch of the 14th, November, 1878, in which you request that I will appoint a day for a joint investigation of the claim of Messrs Russell & Co against Shin-Tou-Shan. I would observe in regard to this case that you the honorable Consul, for over a year, have often demanded a joint investigation (會審) "huei Shen". Just now you only ask for a joint investigation (觀審) "Kuan shen".

In regard to a joint investigation I may say there must be someone to investigate, (or prosecute). In deciding that Messrs Russell & Co were entirely in the wrong I have not been guided by my own ideas, but have acted on the evidence of your despatches. Now the taking of evidence at a joint investigation, and placing at one side all your despatches, is certainly not the way to carry on a prosecution. On the 17th of April of this year, I wrote you that there was no need of examining Shen Tou Shen, as he had nothing to do with the case. This decision of mine I have asked H. E. the Viceroy to forward to the Foreign Board, and have asked that H. E. the U. S. Minister, be requested to instruct you, the Consul, to consider the case as closed. On the above named date I addressed you a letter to the same effect. With regard to a joint investigation authorized by H. E. your Minister, I wrote that the case was clear, and that there was no need of a joint investigation. I have petitioned the Foreign Board to that effect, and I must await their instructions before I can take upon myself to grant the joint investigation requested. The copy of the Bond given by Shen-Tou-Shan, as well as the fact that Messrs Russell & Co. themselves sold the wood in question, is information furnished in your despatches. Messrs Russell & Co. seeing that you have furnished such conclusive evidence against them that cannot be gainsaid, and which proves them to be entirely in the wrong, now wish for a joint investigation, in hopes that through sharp-planned words they may show themselves to be in the right. But they should remember the strong documentary evidence I hold against them in your despatches, which cannot be set aside, – (that is, the Bond, and the selling of the wood.)

I now state plainly this attempt on the part of Messrs Russell & Co of sharp practise, to show them that it is impossible for them to show that they are not in the wrong.

From Hoo, Taotai

Mr. Holcombe to Mr. Shepard.

No. 59 January 31st, 1879.

Sir:-

I have the honor to acknowledge the receipt of your despatch, number 26, in the case of Messrs Russell & Co. versus Shen-Tou-shan.

I entirely agree with you in the opinion that in your despatch No. 232, of November 13th, to the Intendant, it was made clear, both in the English and Chinese text, that you did not demand a "joint trial" but one in which you should be present to present evidence, cross-examine witnesses, and, in general, to watch the proceedings in the interests of justice.

I am also entirely of your opinion that any further communication with the Intendant upon this case, is for the moment unadvisable.

Prince Kung has informed me that stringent orders have been sent to the Provincial Authorities to see that the case receives immediate attention, - and I shall not allow it to rest until satisfied that the ends of justice have been met.

Please keep me carefully advised of anything which may transpire in the premises at your port.

I am &c

(signed) Chester Holcombe

Mr Adee
Col. Morgan

No. 120. One Enclosure.

DEPARTMENT OF STATE APR 19 1879 RECEIVED

Legation of the United States.
Peking, February 14th, 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Statement of salary account.

Synopsis.

Refers to despatch, number 115, and encloses a duplicate of this account for the quarter ended December 31st 1878.

No. 120. One Enclosure.

Legation of the United States.
Peking, February 14th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Recurring to my despatch, number 115, I now have the honor to hand to you, herewith, a duplicate statement of the 1/120 salary account which it contained.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosure.

1. Duplicate statement of salary a/c for the quarter ended December 31st, 1878.

Mr Adee
Col. Morgan

No. 121. One Enclosure.

Legation of the United States.
Peking, February 14th, 1879.

DEPARTMENT OF
APR
19
1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Legation rent account.

Synopsis.

Refers to despatch number 116., and encloses a duplicate of this account for the quarter ended December 31st, 1878.

No. 121. One Enclosure.

Legation of the United States.
Peking, February 14th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:–

Recurring to my despatch, number 116, I now have the honor to hand to you a duplicate statement of the Legation rent account which it contained. 1/121.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosure.

1. Duplicate statement of Legation rent a/c for the quarter ended Decem. 31st, 1878.

Ans'd as directed by Mr Payson April 22. Mr Pock. / Mr Adee

No. 122. One Enclosure.

Legation of the United States.
Peking, February 17th. 1879.

DEPARTMENT OF STATE
APR. 19 1879.
RECEIVED

Chester Holcombe to
the Secretary of States.

Subject.

Passports for Americans resident in China.

Synopsis.

Refers to Mr. Seward's number 431. The Chinese Government insists that each passport shall be issued for some definite area. Suggests a method of meeting the difficulty, and asks certain questions concerning the regulations for the issue of passports,

No. 122. One Enclosure.

Legation of the United States.
Peking, February 17th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

In Mr Seward's despatch, number 431. of April 8th, 1878., the Department was informed of a correspondence which had arisen between this Legation and the Foreign Office, because of the refusal of the Intendant of Circuit at Foochow to countersign certain passports issued by Minister Seward, and presented for countersignature by Consul De Lano. This refusal was at first based upon the assumption that the passports should have been issued by the Consul rather than the Minister. And after all necessary explanations had been given upon this point, the official named still declined to affix his seal to the Chinese text of the papers, until he had added certain characters which limited the area of their validity to the province of Fukien. Mr. Seward objected to this action on the part of the Intendant, and so informed the Foreign Office. His course met with your approval, as indicated in your instruction, number 238.

I have now the honor

to hand to you a translation of a later despatch upon the same subject received from Prince Kung in August last. In it, as you will see, the Prince explains the reason for insisting that each passport should state specifically the area within which it is to be used, and asks me to "direct the Consul to see that passports, in future, are drawn in strict conformity with existing regulations": — that is, that they name a definite area within which alone, they can be held as valid. 1/122.

As the matter was not one of immediate or pressing importance, I made no response to this request of the Prince, and I now beg leave to submit it to you for such instruction as you may see fit to give.

I believe one of the reasons assigned by the Intendant at Foochow for his refusal to countersign the passports in question was that, if not defined as to the area of their validity, they could be used throughout the Empire, and that he might be held personally responsible for indignities to their holders, when, in point of fact, the wrongs might have been committed in parts of the country over which he had no control. His own action, however, proved that this objection, even if made in good faith, was not of any serious importance in his own mind, for he endorsed and countersigned the passports as "good for the "province of Fukien", whereas his official control and jurisdiction embraces less than one fourth of that area. And, generally speaking, passports for the use of foreigners in China have, in the past, specified certain provinces within which their holders were at liberty to travel, and they have invariably been countersigned by Chinese officials whose actual jurisdiction included only a mere fraction of the territory so mentioned. For example, passports taken out directly from this Legation, for use in North China, have ordinarily been made good for the provinces of Shantung, Chihli, Shansi, and Shensi, to which the whole of Mongolia has frequently been added. And yet they are countersigned, either by the Mayor of Peking, whose jurisdiction extends to a distance of only six miles from the gates of this city, or by the Customs Intendant at Tientsin who has no territorial jurisdiction at all. The Foreign Office declines, either to issue passports to foreigners, or to counterseal those issued by the Legations.

As this Government is likely to adhere strenuously to the position taken by Prince Kung in the despatch of which a translation is enclosed, and as they do not practically object to the *size* of the area, but only insist that it be definitely stated, I would suggest that all difficulties could be obviated by adding to the Chinese text of each passport, somewhat in the manner of a *visa*, the following phrase:- "Good for the provinces "of (for example) Chihli, Shansi, "and Shensi." The seal of the Chinese official who countersigns the passport should be affixed to this part of the document. If then, at any later period, the holder desired to visit other provinces, they could be added, and a fresh counterseal, covering the additional area, be secured.

If you approve of this plan, I beg ~~[illegible]~~ to be authorized to come to such an agreement with the Foreign Office.

While upon this subject, allow me to call your attention to an apparent discrepancy between the rules for the issue of passports, as found in the "Personal "Instructions to the Diplomatic "Agents of the United States", and the same rules, as embodied in the "Consular Regulations".

In the former, Paragraph 8. of

Section XXX., edition of 1874., reads as follows:– "No visa will be "attached to a passport after two "years from its date." In the Consular Regulations, issue of 1870. Paragraph 108, reads: "No visa will be attached to a "passport after a year from its "date."

I beg to be informed which is the correct version of the rule. And also whether, in case a new passport is issued in place of the old one, as provided in the last sentence of this rule, the usual fee of \$5.00, is, or is not, to be collected.

And, lastly, supposing a passport to be visaed within two years of its issue (accepting that term as correct) does such visa serve to prolong the validity of the document for another period of two years, or must a new one be taken out at the expiration of two years from the original issue.

The foregoing questions have a very practical bearing here, where a large number of passports are held by missionaries and other permanent residents.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosure.

Enclosure.

1. Prince Kung to Mr. Holcombe
46/1878. August 5th, 1878.

Despatch No. 122.
Inclosure.

46/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

Upon the 20th ultimo I received a communication from the Provincial Authorities of Fukien, in the matter of the passports which the Consul sent to the local officers with the request that they be sealed, covering a copy of the report of the Provincial Judge and Grain Commissioner and stating the reasons for the refusal to stamp the documents as requested.

Upon the 15th of March, I received a despatch from H. E. Mr. Seward stating that during last year he had been instructed by his Government that in future all passports for Americans were to be issued by himself, and that he had received a report from his Consul at Foochow, informing him that the local officers had refused to countersign certain passports which the Consul had received from the Minister. To this despatch this Office replied that Mr. Seward had not informed it that passports of this sort were to be in future issued by him, in order that it might give the necessary instructions to the Provincial Authorities, neither was it aware whether the documents in question were written in accordance with the French Treaty (in two languages. C.H.) nor to what local officers at Foochow they had been presented for countersignature. A copy of Mr. Sewards' despatch was sent to the Fukeen Authorities with an instruction to deal with the business in conformity with the requirements of the treaties.

Upon the $\frac{2^{nd}}{4}$ of ~~March~~ April a further despatch was received from Mr. Seward stating that the passports in question were written in English and Chinese and requesting me to inform the proper authorities of the several provinces that in future all such documents would be issued by the Minister. Accordingly I sent a copy of the correspondence to the Fukeen authorities and the Northern and

Southern Superintendents of Foreign trade. with instructions, and so informed Mr Seward in reply.

I am now informed in the report mentioned above as received from the Fukeen Authorities that Consul De Lano forwarded two passports for Messrs. ______ and Ohlinger with request for countersignature, stating that these documents contained no limitation as to time, and hence were to be perpetually in force, and that he could not define the area within which they were to be used. Thereupon Mr Grain Commissioner Yed, added certain characters which directed all civil and military officials within the province of Fukan to afford protection to the bearers sealed the documents with his official seal, and returned them. Mr Consul De Lano held that the limitation thus fixed to the area within which protection was to be given, rendered the passport of no value, etc. —

In this business I beg leave to remark that hitherto passports for use in the interior have invariably contained a definite statement of the provinces and districts within which they were to be used, in order that the several authorities within the specified area might be instructed to render aid in case of need, and in general to deal with them as the regulations provide.

In the present instance, Consul Delano forwarded passports for countersignature which failed to indicate the locality in which they were to be used. The Grain Commissioner having thus no basis for his instructions to local officers, wrote the characters which made them valid for the entire province of Fukeen.

Hereafter passports for travel in the interior should be written in conformity with the existing regulations, and when sent in by Consuls for countersignature, should contain plainly written the area within which they are to be used, for the convenience of the local officers in countersigning them, and in issuing necessary instructions to their subordinates, that misunderstandings and trouble may be avoided.

I have instructed the Fukien Authorities in this sense, and beg leave to request that you will direct the Consul to see that passports in future be drawn in strict conformity with existing regulations.

Chester Holcombe, Esquire.
&c &c &c &c.

Peking, August 5th, 1878.

Ack. C.P.

Mr Adee

FOREIGN Relations

No. 123. Three Enclosures.

Legation of the United States.
Peking, February 20th, 1879

DEPARTMENT OF STATE
APR
19
1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Shanghai harbor rules.

Synopsis.

Mr. Holcombe recurs to his despatch number 69., and encloses a later note from Prince Kung, suggesting a certain modification of the rules. To this Mr. H. has objected. Reports a personal interview with Foreign Office, and asks approval of his action.

No. 123. Three Enclosures.

Legation of the United States.
Peking, February 20th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

In my despatch, number 69. of November 12th last, I had the honor to lay before you certain correspondence which had passed between the Consular Body at Shanghai and the Diplomatic Corps here, and between the latter and the Chinese Foreign Office, in regard to the rules agreed to early in 1878, for the conservation of the harbor at Shanghai.

That correspondence was

closed by a note from Prince Kung in which he stated that he had referred the several questions raised, to the Northern and Southern Superintendents of Foreign Trade for their consideration.

I have now the honor
1/123. to hand to you herewith a translation of a further note from the Prince, in which he communicates the opinion of the two High Officials mentioned above, that the authority and jurisdiction of the Harbor Master should be restricted to the limits of the foreign concessions; assumes that the Chinese Government has the power to modify

modify the rules without the consent of the foreign Representatives; and asks us to instruct our Consuls at Shanghai in accordance with the terms of his note.

In explanation of the statement of the Prince that "the rules in question were "enacted by China herself" etc., I ought, perhaps, to observe that, although the rules were actually drafted by Minister Seward, and approved by his Colleagues, before they were brought to the knowledge of the Foreign Office by the Inspector General of Customs, it was not thought advisable to inform the Chinese that the

rules

Omit

rules originated with, and had been approved by the Diplomatic Body, lest that fact should provoke opposition to their adoption.

Some time having elapsed after the receipt of this later note from the Prince, and the Senior Minister, Mr. Brenier de Montmorand, having evinced no disposition to take further action in the premises, I brought the subject to his notice and expressed the opinion that a joint answer should be prepared. He informed me that he had not thought of doing any thing further, that, in point of fact, he had been opposed to the rules from the beginning and had only agreed to them out of deference to the wishes of his Colleagues. He, however, added that he would submit a draft of a response for our approval. Two days later he submitted the form of an answer, of which I enclose a copy, in French and English. 2/123.

As none of his Colleagues agreed with Mr. Brenier that the draft suggested by him was in the most desirable shape for presentation to the Chinese — — although approving its general sense — he at once sent his answer to the Foreign Office and left his associates to make such reply as should seem best to each. After consultation with my colleagues, the Chargé d'Affaires of Russia and Germany, we sent an answer substantially identical. A copy is enclosed of the note sent by me. 3/123.

Having taken this action, I went, with the advice and consent of the Representatives mentioned above, to the Foreign Office, and discussed the subject with the Ministers, all of whom were present. They did not seem to be thoroughly informed as to the nature and operation of the rules in question, and hence exaggerated some of the difficulties in the way of their enforcement. My explanations seemed to give them much satisfaction, and the interview was, I think, productive of good. They promised to refer the subject again to the Northern and Southern Superintendents of Foreign Trade, and to urge the enforcement of the rules as originally agreed to. They stated, however, that a little delay would be necessary as the British Government is, at the moment, unrepresented in Peking, and it would be advisable to await the arrival of Sir Thomas Wade, who is expected here in March. To this, of course, no objection could be raised.

I beg, respectfully, for your approval of my actions as narrated herein.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosures.

1. Prince Kung to Mr. Brenier.
3/1879. January 11th, 1879.
2. Form of answer proposed by M. Brenier.
3. Mr. Holcombe to Prince Kung.
4/1879. February 11th, 1879.

Despatch No. 123.
Inclosure 1.

3/1879

The Foreign Office to the French Minister.

Unofficial January 11th, 1879.

Sir:–

In the matter of the rules for the conservation of the harbor at Shanghai, and referring to Y. E.'s two notes to us, and to our reply to the effect that we had requested the Northern and Southern Superintendents of Foreign Trade to cause the subject to be taken into consideration, and that we would address you again when their reports should have been received, we have now the honor to inform Y. E. that those reports are before us.

According to the statements of the Intendant at Shanghai, the area defined within yellow lines upon a chart sent by the Acting Inspector General of Customs, and extending from the Little East Gate of the Chinese City of Shanghai in a southerly direction to the South Tea and Silk Customs Barrier, is called the suburbs of the City which it is proposed to put within the jurisdiction of the Harbor Master. This area is to the South of the French Concession, and the land along the river here is all owned by Chinese. The number of shops is immense, and the wharves and jetties are as thick as a forest, In the river Chinese vessels from Ningpo, Tientsin, Foochow and Canton, to the number of many thousands are accustomed to lie at anchor, An immense number of small craft from the interior are also constantly coming and going. For hundreds of years jurisdiction over this area has been exercised by the Magistrate of Shanghai, and no obstruction to the course of the river has resulted.

The masters of Chinese craft and other persons, having heard that it was proposed to put the area in question under the control of the Harbor Master, have petitioned the Magistrate, in great numbers, to prevent this action. It is to be feared that if their wish is disregarded, they will rise, _en masse_, and cause serious disturbances.

The area to be hereafter under the

jurisdiction of the Harbor Master, should be that embraced within the Foreign Concessions. There is no necessity for placing him also in control of parts outside of those limits. In regard to the river at Wusung, the Signal Master has hitherto had control for a distance of three miles, and this area might be put under the general supervision of the Harbor Master. Modification of the rules in the sense indicated above is requested.

In regard to this subject we have the honor to observe that the rules in question were enacted by China herself with a view to the protection of the harbour at Shanghai. If there are local obstacles to their exact application, then they ought certainly to be modified so as to be satisfactory. Having received the reports of the Northern and Southern Superintendents of Trade, we have the honor to communicate their substance to Y. E. for your consideration and to request that you will transmit it to the several foreign Representatives in this City, and instruct your Consul in the premises.

Cards and Compliments.

Despatch No. 123.
Inclosure 2.

Péking, le 3 Février, 1879.

A Leurs Excellences Messieurs les Membres du Tsong-Li-Yamen.

Excellences,

J'ai eu soin de communiquer à mes collègues la lettre que vos Excellences m'ont fait l'honneur de m'écrire le 11 Janvier dernier et nous sommes unanimement d'avis que le règlement en question relatif au port de Shanghai, ayant été consenti d'un mutuel accord entre Vos Excellences et les Membres du Corps Diplomatique à Péking, le Gouvernement Chinois ne peut y apporter aucun changement sans le consentement des parties signataires.

Veuillez . . . .

Le Ministre de France en Chine.
Doyen du Corps Diplomatique.

Le Ministre du Pérou.
Le Chargé d'Affaires de Russie.
Le Chargé d'Affaires d'Allemagne.
Le Chargé d'Affaires des Etats Unis
Le Chargé d'Affaires d'Angleterre.

Translation

Peking, February 3rd, 1879.

To

Their Excellencies the Ministers —
Members of the Tsung-Li-Yamên.

Gentlemen:—

I have communicated to my colleagues, the letter Your Excellencies did me the honor to address to me on the 11th January last, and beg to say we are unanimously of opinion that the Regulations relating to the Harbour of Shanghai having been consented to between Your Excellencies and the Members of the Diplomatic Body at Peking, no alterations can be made, by the Chinese Government in these Regulations, without the assent of the parties thereto.

Please accept &c. . . . .

The Minister for France in China.
Doyen of the Diplomatic Body.

The Minister for Peru.
The Chargé d'Affaires for Russia.
The Chargé d'Affaires for Germany.
The Chargé d'Affaires for the United States.
The Chargé d'Affaires for England.

Despatch No. 123.
Inclosure 3.

H/1879 Red note.

Mr. Holcombe to Prince Kung.

February 11th, 1879.

Sir:—

H. E. the Minister for France has furnished me with a copy of Y. I. H. note of the 11th ultimo to him in the matter of the rules for the conservation of the harbor at Shanghai. In this note Y. I. H. states that these rules were enacted by China herself with a view to the protection of the harbour at Shanghai, and that if there are local obstacles to their exact application they ought to be modified so as to be satisfactory, etc, etc.

I notice with regret and surprise that Y. I. H. is of opinion that the rules in question should be modified, and that such modification is possible without the consent of the various Diplomatic Representatives in this Capital.

These rules as proposed by Y. I. H. and agreed to by the several foreign representatives in January 1878, gave certain powers and authority to the

Harbor Master at Shanghai over a class of Chinese and foreigners, and put a portion of the river under his immediate jurisdiction. Y. T. H. was well aware that in order to make the rules in question operative within the foreign concessions and generally in their application to foreigners the consent and cooperation of the foreign representatives was necessary. That consent was asked, and without exception the Ministres resident at Peking, believing the rules to be framed with a view to the conservation of the harbour at Shanghai, and in the interests of foreigners and natives alike, cordially granted the concessions, and gave the necessary instructions to their respective Consuls, And further, they reported their action to their several Governments, and received their approval. Hence the rules stand in the light of a Convention agreed to between China and the several Powers represented at Peking, and, this being the case, it is self evident that no modification is possible without the previous consent of both parties to the original agreement.

As representing one of the parties to the Convention I am unable to give my consent to the modification of the rules in question.

By reducing the area of the application of the rules we not only lessen their practical utility but it even becomes doubtful whether their enforcement in the remaining district will serve any useful purpose.

The Intendant at Shanghai, in his note as quoted by Y. I. H. fails utterly to give any valid reason for the modification which he proposes. The Harbour Master to whom the rules give a certain limited jurisdiction over the area in question, is not a foreign official but a Chinese employé and directly under the control and direction of the Government of China. The area mentioned and the shipping and other interests within it would therefore come, in no sense under foreign control. The Taotai manifestly mistakes the situation and exaggerates the opposition of the people when he represents that disturbances are likely to result from an attempt to apply the rules to the area mentioned. There are perhaps foreign ship-owners and masters who object to the enforcement of the rules against them, but this of itself would hardly cause any foreign Representative to withdraw from the Convention so long as he believed that the rules were well calculated to preserve and protect the general interests of the port, and of the large amount of shipping which frequents it.

Confident that the rules in question, if faithfully enforced will be of great benefit to the harbour at Shanghai and to natives and foreigners alike, and resolved on my part to conform strictly to the terms of these rules as originally agreed to, I beg leave to request Y. I. H. to instruct the Intendant at Shanghai, to conform on his part, as the local representative of Y. I. H. Government, to their stipulations, and thus to end the discussion of the subject.

I have, &c.

(signed) Chester Holcombe

Sent to Library.

mAdee

No. 124.

Legation of the United States.
Peking, February 24th, 1879.

DEPARTMENT OF STATE
APR 19 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

List of Chinese Light houses, etc.

Synopsis.

Mr. Holcombe forwards, under a separate cover, one copy of the list of Chinese lights, buoys, and beacons, for 1879.

No. 124.

Legation of the United States.
Peking, February 24th 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:-

I have the honor to hand to you, under separate cover, one copy of the "List of the Chinese "Light houses, Light vessels, Buoys, "and Beacons for 1879," issued by the Inspectorate General of Chinese Maritime Customs.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Reported April 26. Mr Polk.

Authorized to renew lease. May 1. Mr Polk.

Report terms of present lease C.P.

Authorize to renew lease for 4 yrs on same terms as before Mr Adee C.P.

No. 125. One Enclosure.

Legation of the United States.
Peking, February 26th, 1879.

DEPARTMENT OF STATE
APR 19 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Lease of Legation premises.

Synopsis.

Mr. Holcombe encloses a statement of the repair account of the Legation premises for the year 1878; calls attention to the fact that the lease expires June 30th, 1879, and urges its renewal.

No. 125. One Enclosure.

Legation of the United States.
Peking, February 26th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Recurring to Mr. Seward's despatch, number 434. of May 15th, 1878., in which he forwarded to the Department a statement of the amount of current repairs effected upon the buildings of this Legation, under the terms of the eighth article of the lease, from July 1st 1875, to December 31st, 1877., I have now the honor to hand to you, herewith, a further 1/125. statement showing, in general terms, the amount expended in repairs and improvements for the year 1878.

You will notice that there has been an expenditure of $367.^{47}$ in excess of the amount which the owner was bound to lay out upon the premises. This is to be accounted for by the fact that somewhat extensive repairs were needed at the outset to place the premises in proper condition. It is not understood that the Government is in any wise accountable for this sum. But, as the buildings are now in good and habitable order, it is expected that the owner will be able to cancel this excess by smaller repair expenditures in future.

In this connection, I beg leave to call your special attention to articles two and six of the lease in question. From these you will see that the term for which the lease was originally drawn will expire upon the 30th of June, 1879., and that you have the option and privilege of renewing it upon the same terms and conditions for two successive periods of four years each. I shall be glad to be informed, at your convenience, whether it is your purpose to make such a renewal, or whether some other arrangement for the Legation will become necessary after the 30th of June next.

It is, perhaps, needless for me to add anything to what has been written by my predecessors upon this subject. I may, however, be allowed to say that, in my opinion, it would be almost a public calamity for the Government to surrender the premises now occupied by this Legation. The rental is, all things being considered, exceedingly moderate, the accommodations, although much more limited and unostentatious than those occupied by the Legations of Great Britain, Russia and

France, still are sufficient for our simpler and more quiet mode of life, and they are the only premises to be found in this city suited to our needs.

I am aware that, prior to the execution of the present lease, these premises were occupied as a Legation, the Minister and Secretary being required to pay their own rent. I may be pardoned for saying frankly, upon this point, that I could not afford to pay what would be my share under such an arrangement, my salary not being sufficient, when other expenses are taken into consideration, to warrant such an expenditure.

I beg leave to advise most earnestly the renewal of the present lease.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosure.

1. Statement of Legation repair account for 1878.

Despatch No. 125.
Enclosure.

Statement of Legation repair account for 1878.

United States Legation in a/c

1878		Dr.	
January 1	To excess of repairs over allowance for 1875-6-7. (see Mr. Seward to State Department No 434)	$	600
ecemb. 31	" Chinese builder's account for general repairs current year. (see Chinese voucher)	"	335
ctob. 30	" Wall-paper and papering	"	26
" "	" putty	"	1
ec. 31	" trees	"	3
		$	967

with Current Building Repairs

			Cr.	
1878.	By allowance for repairs as per lease	$	600	00
	Excess of expenditures over allowance		367	47
		$	967	47
	Excess of expenditures over allowance	$	367	47

E. & O. E.

S. Wells Williams
by his attorney in fact,
Chester Holcombe

Peking, February 26th, 1879.

/File/

One copy to Bureau Statistics. One to Library

made

No. 126.

Legation of the United States.
Peking, February 28th, 1879.

DEPARTMENT OF STATE
APR 19 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Customs reports.

Synopsis.

Mr. Holcombe forwards, under separate cover two copies of the "Customs Gazette. September — "December, 1878."

C.

No. 126.

Legation of the United States.
Peking, February 28th. 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to hand to you, herewith, under separate cover, two copies of the "Customs "Gazette"— No. XL. October— December, 1878., published by order of the Inspector General of Customs.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

McAdie

File

No. 127.

Legation of the United States.

DEPARTMENT OF STATE
APR
19
1879
RECEIVED

Peking, March 4th, 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Receipt of Department instructions.

Synopsis.

Mr. Holcombe acknowledges the receipt of instructions, numbers 264. to 269. inclusive.

No. 127.

Legation of the United States.
Peking, March 4th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honour to acknowledge the receipt of your instructions, numbered respectively, 264. 265. 266. 267. 268. and 269.

I have the honour to be,
Sir,
Your obedient servant.
Chester Holcombe

Instruction to Mr Seward May 3. A.A.A.

Ans'd to Mr Holcombe May 5. 1879 A.A.A.

Examine account, & adv
C. P.

No. 128. One Enclosure.

Legation of the United States.
Peking, March 6th, 1879.

DEPARTMENT OF STATE
APR 19 1879
RECEIVED

Chester Holcombe to the Secretary of State.

Subject.

Incidental expense account.

Synopsis.

Mr. Holcombe forwards a statement of the above account for the year ended June 30th, 1878, states that the appropriation is inadequate to the necessities of the Legation, which, in his opinion should have an allowance of $1,000 per annum.

No. 128. One Enclosure.

Legation of the United States.
Peking, March 6th. 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honour to hand to you, herewith, a statement of the account for the contingent expenses of this Legation for the year ended June 30th. 1878. 1/128.

I have, in an earlier despatch, explained the delay in sending forward this statement.

From it you will see that the expenditures have amounted to $132.83 in excess of the allowance. And this does not include wages of messenger — $96.00 —, and Chinese writer — $180. —, which items were entered in the account rendered last year, when the excess of expenditures over the allowance was $327.77. If these two items be added to the deficit of the year ended June 30th last, it would then amount to $408.83

Perhaps it is proper for me to say in this connection that, since Mr. Seward's departure for the United States caused the entire labor of this Legation to come upon me, I have found it absolutely necessary to employ a copyist, as it was quite impossible for me to do the current work of the office alone. For the months of July, August, September, and October, I paid $60. per mensem for such services. Since then I have been able to secure the necessary assistance for $45. per mensem.

I am fully aware that there is no allowance to this Legation for such labor, unless it can be paid from the contingent fund. That it cannot be in the present instance, is entirely plain. If the Department can devise some means for meeting this necessary expenditure, I shall be very grateful. If not, it will remain a tax upon my salary.

Aside from this item of expense, it is, I submit, fully proved that the allowance to this Legation for contingent expenses, is considerably below our absolute necessities. The account sent herewith contains no unusual items, but only such as may confidently be expected from year to year. The amounts, certainly are larger than might be expected at home. But that is inevitable, since stationery, binding, etc. etc. are much more expensive in China than in the United States.

Allowances for official messenger and Chinese writer are made, I believe, to nearly every Consulate in this Empire. And the reason for not granting similar allowances to this Legation, where the services indicated are indispensable, does not appear.

In my opinion, a sum of not less than $1,000 should be appropriated, each year, for the contingent expenses of this Legation.

In making these remarks, I beg leave to disclaim all intention to reflect in any way, upon the action of the Department. They are made, the rather, with the hope that they may possibly serve to advance the efforts of the Department to secure more liberal allowances from the legislative branch of the Government.

A duplicate statement will be sent forward by the next mail.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosure.

1. Statement of contingent expense account: — July 1st, 1877, to June 30th, 1878.

Despatch No. 128.
Inclosure.

Statement of Incidental Expense account.
July 1st 1877 to June 30th 1878.

The United States in a/c

	Contingent Expenses		Dr. $	
1877-8				
Sept. 5	To bill for stationery	voucher "A."	5	4
" 20	" 3 copies treaties with China	" "B."	15	
Oct. 1	" postages quarter to date	" "C."	9	3
Dec. 31	" Celestial Empire 6 mos.	" "D."	6	5
Jan. 1	" N-China Herald to Dec. 31/78	" "E."	16	6
" 1	" " " Daily News " "	" "F."	33	3
" 10	" Celestial Empire to June 30/78	" "G."	6	5
Feb. 8	" 7 pkgs twine	" "H."	3	5
March 30	" postages to date	" "I."	15	5
June 30	" " " "	" "J."	4	2
" "	" bill for stationery	" "K."	185	
" "	" 12 mos. Courier service	" "L."	130	2
" "	" bill for binding archives	" "M."	41	4
" "	" 6 days copying	" "N."	12	0
" "	" miscel. items	" "O."	54	4
			$ 539	1
1878				
July 1	To excess of expenditures over allowance		$ 132	8

Legation of the United States,
Peking, March 6th, 1879.

with Chester Holcombe

78	United States Legation		Cr.
ay 30	By draft on Messrs Morton Rose & Co £82-3s-11d	406	〃
〃	〃 gain by exchange (voucher "P."	6	33
〃	〃 excess of expenses over allowance	132	83
		539	16

E. & O. E.

Chester Holcombe
Chargé d'Affaires

Ju[illegible]

July
gust

Voucher "A"

Chefoo the 5 Sept. 1877.

U S Legation

Dr. To A Sietas & Co

			$	
	9.	1 pkt Envelopes		25.
	15	1 Erazor 50c 25 large Envelopes 50c	1	
	23	sealing wax	—	25.
	28	150 Envelopes	1.	50.
July	18	sealing wax 12c 100 Envelopes 75c	—	87.
	1.	25 large envelopes 50c 1 memobook 80c	1.	30.
	21	Envelopes	—	25
			$ 5	42

Paid A Sietas & Co

duplicate

(Stationery)

Genl. acct, 1877-78

286

Voucher "B."

Shanghai, Sept. 20 1877.

The Hon. G. F. Seward.
U. S. Minister.
Peking

Dr. to **North-China Herald Office.**

			$	cts.	Taels.	c
1877 ept	13	For 3 copies Treaties with China				
		@ $5.00 per Vol.	15	00		

Received for the Proprietors

J. Brown

voucher "C."

UNITED STATES POSTAL AGENCY, SHANGHAI, CHINA.

Triplicate

Sept. 30th 1877

Messrs. U.S. Legation – Peking

To **U. S. Postal Agency**, Dr.

For Postage ~~Inward and~~ **Outward, to date** $9.34

Received Payment,

D EB

O. B. Bradford

pr. POSTAL AGENT.

No. 1344

voucher "H."

Shanghai, July 1st, 1877.

The U.S. Legation Peking
c/o U.S. Consulate General
Shanghai

Duplicate

Dr. to **Office of the "Celestial Empire."**

		For *Subscription* to the "CELESTIAL EMPIRE"—	$	c
		FROM JULY 1ST TO DECEMBER 31ST, 1877	6	.00
		POSTAGE Do.		50
			$6	50

R. J.
G. P. E.
D

E. & O. E.

EB

Received Payment,

Thomas Preston,
Manager.

Voucher "G."

No. 3011

Shanghai, 10th January 1878.

U. S. Consulate-General

Dr. to the Office of the "Celestial Empire."

	$	Cts.
For Subscription From ~~Date to~~ 1st Jan: 1878, to 30th June 78	6	59
Addressed to and Postage		
U. S. Legation		
Peking. Triplicate		

E. & O. E.

Received Payment,

Thomas Preston,

Manager.

Voucher "H."

Tien-Tsin 8th February 1878

The

U. S. Legation

Pekin

HAN-TA-LI 亨達利

To L. VRARD & Co.

JEWELLERS, WATCH AND CLOCK-MAKERS

and

GENERAL STORE-KEEPERS

Dr.

		$	
1	Spectacles Screw	.3	50

Received payment

L. Vrard & Co.

Voucher "E."

S

Account No. 597. Shanghai, 1st January, 1878

M U. S. Legation
Peking

Dr. to "North-China Herald."

	Taels	c.
Subscription for 1 *Copy* **"N.-C. Herald & Gazette,"**		
From 1st January to 31st December, 1878.		
Postages to		
Received Payment, for Proprietor, Tls	12	"

J. Brown

Voucher "F."

S

Account No. 339. Shanghai, 1st January, 1878

M U. S. Legation
Peking

Dr. to "North-China Herald."

	Taels	c.
Subscription for 1 *Copy* **"N.-C. ~~Herald & Gazette,~~"** Daily News		
From 1st January to 31st December, 1878		
Postages to		
Received Payment, for Proprietor, Tls	24	"

J. Brown

Voucher "J"

UNITED STATES POSTAL AGENCY, SHANGHAI, CHINA.

(Original)

March 30th 1878.

~~Messrs.~~ U. S. Legation.

To U. S. Postal Agency, Dr.

For Postage Inward and Outward, to date $15,55

Received Payment,

Wong Soong Dong.
for J. Stahel
POSTAL AGENT.

Voucher "J."

UNITED STATES POSTAL AGENCY, SHANGHAI, CHINA.

(Original)

June 30th 1878.

~~Messrs.~~ U. S. Legation,

To U. S. Postal Agency, Dr.

For Postage Inward and Outward, to date $4,23

Received Payment,

Wong Soong Dong.
for J. Stahel.
POSTAL AGENT.

1 In duplicate

Voucher "K."

Shanghai, 30th June 1878.

ls sent per

ubscriptions to
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iodicals are
ictly payable
vance.

United States Legation Peking

To KELLY & WALSH, Dr.

INTERS, PUBLISHERS, BOOKSELLERS, STATIONERS, BOOKBINDERS, ACCOUNT BOOK MANUFACTURER
DIE ENGRAVERS, COLOUR STAMPERS, MUSIC SELLERS, NEWS AGENTS, & TOBACCONISTS.

☞ *ALL ACCOUNTS MUST BE SETTLED MONTHLY, UNLESS OTHERWISE ARRANGED.*

.77					
Jany	23	Chronicle & directory	$	5	00
Mch	29	100 Cloth lined Envelopes	"	10	00
May	8	Twine	"	1	50
June	15	6 Boxes Pens	"	6	00
July	9	3 Copying Books	"	12	00
	"	1 " "	"	5	00
	"	1/2 Rm H.M. Narrow f'cap.	"	"	"
	"	Official; & ruling	"	7	00
	"	1/2 Rm H.M. f'cap printed	"	"	"
	"	& ruled	"	8	50
	"	2 Rms of Coloured f'cap	"	10	00
	"	1/4 " H.M. Blue " "	"	"	"
	"	ruled for accounts	"	5	00
	"	1000 Envelopes printed	"	8	00
	12	2 Gross Spencerian Pens	"	4	00
Aug	13	1/2 Rm Blue f'cap.	"	7	50
	"	1 " " " " printed	"	17	50
		forward	$	107	00

Received Payment, FOR KELLY & WALSH.

In duplicate

s sent per

bscriptions to
ers and
cals are
ibely payable
vance.

Shanghai, 30th June 1878.

United States Legation Peking.

To KELLY & WALSH, Dr.

INTERS, PUBLISHERS, BOOKSELLERS, STATIONERS, BOOKBINDERS, ACCOUNT BOOK MANUFACTURER
DIE ENGRAVERS, COLOUR STAMPERS, MUSIC SELLERS, NEWS AGENTS, & TOBACCONISTS.

☞ *ALL ACCOUNTS MUST BE SETTLED MONTHLY, UNLESS OTHERWISE ARRANGED.*

.77						
		Brot forward	$	107	00	
ug	13	½ Am Blue f.Cap wide		"	"	
	"	printed		7	50	
	16	1000 Large cloth lined		"	"	
	"	Envelopes		12	00	
	"	Pens		2	00	
	"	Turkey Mill & Env Stamped	"	4	00	
	"	Engraving die		4	00	
ept	17	Eyelet Press		5	00	
Nov	13	2 Chit Books made to		"	"	
	"	order		6	00	
78	30	2 Engraved Stamps		20	00	
ebry	27	Chronicle & directory for 78		5	00	
May	3	1 lb. Indian Wax		2	00	
	"	7 Parcel Wax		1	50	
	6	3 f.Cap Copying Books		9	00	$185 00

Received Payment, A Law FOR KELLY & WALSH.
13/9/78

Voucher "L."

U. S. Consulate
Tientsin June 30th 1878

The United States Legation
to U. S. Consul Tientsin Dr
To Courier service from
July 1st 1877 to June 30th 1878 \$ 130^{25}
Received Payment
O. N. Denny
Consul

Voucher "M."

The United States Legation Peking

1877		To The American Mission Press		Dr
Dec	31	To Binding 1 Vol Celestial Empire		1.50
		" " " 1 " N.C. Herald		1.50
		" " 1 " Archives		2.00
		" 10 Dispatch Books		7.00
1878		" 2 Rms Com Note		16.00
Jany	29	" Binding 6 Vols Archives		13.00
Feby	12	" " 1 copy Book		25
	22	" " 1 Vol. Celestial Empire	1.50	
		" " 1 " N.C. Herald	1.50	3.00
		Taels		29.85
		Mex Dollars @ 72		$41.46

Received Payment.

W. C. Noble.

Superintendent.

Peking, Dec 31st 1878.

Voucher "K."

Triplicate

United States Legation.
Peking, 29th June, 1878.

Received from Chester Holcombe, Esquire, Chargé d'Affaires, the sum of Dollars Twelve; being compensation for six days services rendered. (24th to 29th inclusively)

Chas. F. Moore.

$12.—

voucher "C."

United States Legation
To Chester Holcombe Dr.

18[illegible]-8			
ec	31	To Chinese stationery	5 41
n	11	" ink, silk cord etc. etc.	25 20
	31	" 1 glass case for archives	16 50
ne	30	" Chinese stationery	7 30
			$ 54 41

Received payment
Chester Holcombe

king June 30th. 1878.

voucher "P."

Original

We, the undersigned, do hereby certify that we have this day purchased from Chester Holcombe Esq. Secretary and Interpreter of the Legation of the United States at Peking his bill on Messrs. Morton Rose & Co. of London, dated Peking 21st May 1878 at one day's sight, for sum of £82·5·11 and have paid him therefore the sum of Mexican Dollars Four hundred & six & 33/100 which is at the rate of 4/5 per Tael, and 73.2 tael cents per Mexican Dollar, and is the highest rate which can be obtained for such bills in this market, after deducting the sum of Mexican Dollars Eight & 29/100 from the same, to cover a charge of two per cent for exchange between this place and Peking.

Shanghai; 30th May, 1878.

FOR THE HONGKONG & SHANGHAI
BANKING CORPORATION.
J. M. Walter
Acting Manager.

File

McAdee

DEPARTMENT OF STATE
MAY
5
1879
RECEIVED

Separate.

Legation of the United States.
Peking, March 8th, 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Passports issued in 1878.

Synopsis.

In obedience to a separate instruction, dated November 22nd 1878, Mr. Holcombe informs the Department of the number of passports issued by him in the year ended December 31st last, and the amount of fees received therefor.

Separate.

Legation of the United States.
Peking, March 8th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:-

In obedience to your separate instruction, bearing date November 22nd, 1878., I have the honor to inform you that during the year ended 31st December 1878. sixteen passports were issued by this Legation, for which I have received the sum of eighty dollars.

This amount will be included in my salary account for the quarter ending June 30th next.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

File

Mr Adee

No. 129.

Legation of the United States.
Peking. March 8th. 1879.

DEPARTMENT OF STATE
APR 19 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions numbered 270. 271. and 272. and two "separate" instructions, dated January 2nd and 13th, have been received.

No. 129.

Legation of the United States
Peking, March 8th 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have had the honor to receive your instructions, numbered 270. 271. and 272, also two instructions marked "Separate", one dated January 2nd informing me that you had caused to be sent to me one copy of the second edition of the Statutes of the United States, and one dated January 13th asking for a statement of the present condition of the archives of this Legation.

I

I have the honor to be,
Sir,
Your obedient servant,
Chester Holcombe

Ack - accept explanation of interpreter
Approve Charge's instructions as to kneeling of in accordance with usage in other Consulates.
C. P.
Wade

DEPARTMENT OF STATE
MAY 5 1879
RECEIVED

Ack'd, approving Charge's instructions. May 15. Mr Pek.

No. 130. Two Enclosures.

Legation of the United States.
Peking, March 10th. 1879.

Chester Holcombe to the Secretary of State

Subject.

Charges against the Interpreter at Canton.

Synopsis.

Mr. Holcombe refers to his earlier despatch, number 85., and forwards Mr. Lincoln's statement. A further despatch has been sent to the Consul disapproving the action of the Interpreter in kneeling to his superiors.

No. 130. Two Enclosures.

Legation of the United States.
Peking, March 10th 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Recurring to my despatch, number 85., of December 5th last, in which was transmitted a translation of a placard which had been posted about the streets of Canton denouncing our Interpreter at that port, and in which I informed you that I had called Mr. Consul Lincoln's attention to the matter, I now have the honor to hand to you a copy 1/130. of his reply.

Considering the anonymous nature of the charges, Mr. Lincoln has, perhaps, done all that could be expected in the premises.

2/130. I also submit a copy of a further despatch which has been addressed to the Consul, in more particular reference to his statement that the Interpreter "kneels to his superiors"

Your approval is respectfully requested of my course in saying to Mr. Lincoln that, if the Interpreter kneels when he meets the High Chinese Officials, either in company with the Consul, or as his deputy, such conduct on his part is inconsistent with the dignity of his position, is totally wrong, and should be discontinued.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosures.

1. Mr. Lincoln to Mr. Holcombe
No. 21. January 25th, 1879.
2. Mr. Holcombe to Mr. Lincoln.
No. 52. March 6th, 1879.

Despatch No. 130.
Inclosure 1.

Mr. Lincoln to Mr. Holcombe
No. 21 January 25th, 1879.

Sir:—

I have the honor to receive your despatch No. 48 and enclosure relative to placard posted, containing charges against Interpreter - Yu - C - Cheung, of this Consulate.

For what you say about embarrassing or giving me needless annoyance - you have my very best thanks.

I will premise my reply to your despatch by saying that I am fully satisfied there is not one word of truth in the whole list of charges made - and from reason to wit:—

1st The placard was posted in July last just at the close of the negociations with the Chinese Authorities here - relative to the Olyphant & Co Emigration scheme. These negociations having apparently engendered much ill-feeling on the part of many Chinese, towards Messrs Olyphant & Co, myself, and especially the Interpreter - it being frequently said, as

the

he was a native, he should do all in his power to aid the Authorities in preventing the consumation of any arrangement by which the enterprise could be carried out. &c.

2nd The placard was first brought to my — notice and its contents explained by the Interpreter; he earnestly expressing a wish that I aid in ascertaining the author and with his uncle the late Dr. Wong, offered a reward of one hundred dollars ($100) for the arrest of the party.

Pursuant to your request I give you the following information regarding the charges.

Charge first - "Kidnapping"

This has reference to the Olyphant business. The warehouses spoken of are the two buildings opened by Messrs O. & Co and their agent (Kwong Yuen). One of the parties named "Fei-chien," as the Interpreters partner, is Messrs Olyphant & Co's Compradore. The other, "T'ang-I," was an employé of the agent (Kwong Yuen).

Charge two - "Gambling".

The house mentioned, is the — building formerly used by me as a Consulate and is situated next door to Dr Happers, across the canal from Shamien. It is true that a sign "American Consulate" was placed over the rear doorway in the wall, facing a street leading into the Chinese-City. This door was nailed up, from the time I took possession until my removal to Shamien, and therefore it was impossible for persons to enter or exit, except at the front entrance, and instead of boasting of his removal to Shamien, the change was much against the wishes of himself and uncle (Dr. Wong) who owned the building, as they were thus deprived of the rent.

The same charge was preferred against the Interpreter by Dr. Happer, in his letter which was subsequently withdrawn by him, as stated in my report to Minister Seward.

I explained to Dr. Happer at the time, that the door was fastened up and had been for months and that such a charge was simply absurd.

Charges Three and Four. Issuing notes

of the white Dove", "Rape", etc.

Of course, I know nothing of the truth or falsity of these charges, except what the Interpreter says, and that is entire ignorance of any and everything of the kind and very naturally enquired why the names of the parties injured were not given. That if the name of the mandarin, whose wife he is charged with seducing, was mentioned, it would render investigation easy.

Charge Five - "Smuggling."

The only fast boat he is interested in, is a small steam launch, which has been into the interior several times, and I think always, when loaned to some of the officials. I know the Interpreter loaned it several times to the Committee of a large Chinese Hospital, who had in charge, the supplying necessaries to those who had been rendered destitute by the breaking of the embankments of the north river, and the consequent overflowing and destruction of property. For these acts of kindness, I heard the

Viceroy thank him.

' Charge six. — Procuring Indictments, &c. against one Wai, and another against one P'an.

The man Wai, was for many years the Compradore of Messrs Olyphant & Co and died in their debt to the amount of nearly $ 10,000. While Mr. Talbot was in charge of the Consulate. (Summer of 1875) a claim was sent to the Authorities against the estate of Wai. The Authorities ordered the amount to be paid, and the Interpreter, Mr. Talbot, and also the late Mr. Preston, visited Macao or vicinity, where the property was situated, several times, to secure a settlement; when at last the money was paid.

The man P'an, borrowed money from Consul Jewell and gave mortgage or deed on house property, and Mr. Tindall, while Consul, collected the amount after considerable trouble. These two cases out of one hundred as charged, are the only ones where names are given and I dare say the other ninety eight are entirely imaginary ones.

Charge seven - Treason, etc.

I know of no treasonable acts on the part of the Interpreter.

Regarding the appointment of Ma-Wang-Shu I have to say that he has been for several years Sargeant of a Police Station and by order of the Authorities was to attend to any business from this Consulate if his services were needed, in summoning witnesses etc. In October 1877, one of Messrs Olyphant & Co's servants was attacked by the proprietors and frequenters of a gambling house on Canal road. Complaint being made to me by Mr. Talbot, I at an interview with the Viceroy, called his attention to the matter, whereupon he removed a Superintendent of Police for permitting gambling to be carried on in violation of his orders. On learning this, I asked the Viceroy to appoint the sargeant (Ma Wang Chu) as Superintendent which he did. He held this office as an expectant officer for nearly one year, as is the custom with such Offices, when he was succeeded by another. It is believed that his immediate predecessor (the Superintendent who was removed) is one of the authors of the placard.

Charge Eighth - "Rescuing Chang Tai from prosecution".

Relative to this charge I have to say, that about two years ago, the late Mr. Preston said to me that two natives, claiming to be of the gentry, and one of them a literary man, had informed him that one Chang Tai, had committed some offence for which they had caused his arrest and had sent him to the Poon-Yu Magistrate, that the Interpreter, by using the Consul's name and card, had succeeded in securing the man's release, and he was being protected at the Consulate.

I immediately called the Interpreter's attention to the complaint and he said it was true that such a man had been arrested; that the Elders of the street or district had petitioned the Magistrate asking his release; that Dr. Wong was

Con

one of the petitioners; that the man was unjustly detained, &c.

I requested the Poon-Yu Magistrate to call at the Consulate which he did, Mr. Preston and the Interpreter being present. As they each understood the Cantonese Dialect, I requested Mr. Preston to investigate the matter to his satisfaction, which he did, - and then said to me, "there is no truth in the charge. The men have made false statements and mislead me, I will never interfere again in complaints of the kind".

Soon after this, one of the persons making the charge (the literary man) was arrested and imprisoned in Hongkong, for forgery.

Charge nine - "Causing imprisonment of a poor man".

The man (Hsü-yüeh-Ch'ing) referred to as having been thrown in jail, is Dr. Happer's teacher, and was imprisoned at my request as stated in my report on the Interpreter to Mr. Seward

Charge ten — "Wearing fifth rank uniform," "Not Kneeling to Superiors, &c."

The Interpreter when accompanying me in my visits to the Authorities or on my receiving them, always wears a dress-button &c. indicating the rank as stated.

I daresay if he had no right to do this, the Authorities would very soon ascertain it.

He has documents showing that such honor was conferred on him by the Boards of Revenue & War (户部-兵部) at Peking and says the records at Peking will show this fact.

As to Kneeling to his superiors I am only sorry to say that he does do so. I would much prefer that he was not according to Chinese custom compelled to Kneel. I am fully of the opinion that Dr. Happer's teacher and the Superintendent of Police who was removed by the Viceroy, are the authors of the placard, but as the Viceroy remarked when I mentioned the matter to him, soon after it was

brought to my notice." You may know
"or be satisfied in your own mind who
"the guilty party is but if you did not
"see him post it or find others who did,
"you cannot prove it" and said further,
"It dont amount to anything and will
"do no harm. Only today as I was
"leaving my office to call here I was
"handed a copy of a placard which had
"been posted, denouncing me as Viceroy,
"but do not know who did it. It is a
"common thing in this part of China
"to attempt to injure others in this
"manner. &c. &c.

I consider the Interpreter as honest and upright, and as good a man for the position as any native whose services could be secured. He resides with his mother, two sisters, wife, & two children, in the house next door to Dr Happers.

Having no doubt that you will agree with me that the charges are simply absurd, and prompted solely to gratify malignant enmity

I have, &c,
signed C. P. Lincoln

Despatch No. 130.
Inclosure 2.

Mr. Holcombe to Mr. Lincoln.

No. 52. March 6th, 1879.

Sir:—

I have received and read with care your despatch number 21, in answer to my no. 48 relative to a placard posted about the streets of Canton and denouncing your Interpreter.

Upon some of the charges your explanations are particularly clear and conclusive, and considering the anonymous character of the document, and the peculiar difficulty of tracing it or its statements to any responsible source, the information furnished by you is probably all that could be expected.

In regard to the question of your Interpreter "Kneeling to his superiors" if I am to infer from your remark that he does Kneel when he meets the Viceroy or other High Officials, either in your company, or as your deputy. I am bound to say that such a course on his part is totally wrong, and ought not, under any circumstances, to be allowed. I am not aware, at the moment, whether he is or is not a Chinese subject, that indeed, can make no difference. He holds an appointment as an officer of the United States, and in his conduct as such he is bound not to conform to such Chinese customs as are inconsistent with the dignity of his position. If he has adhered to such a practice in the past it should at once be discontinued.

I am, &c,
(signed) Chester Holcombe

Report
C.P.

W Adee

DEPARTMENT OF STATE
MAY
5
1879
RECEIVED

No. 131.

Legation of the United States.
Peking, March 11th 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Condition of the records and archives of the Legation.

Synopsis.

In obedience to a separate instruction dated January 13th 1878, Mr Holcombe explains in detail the present condition of the records and archives. Explains the value of certain additional records which are kept in the Legation.

No. 131.

Legation of the United States.
Peking, March 11th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have had the honor to receive your separate instruction, bearing date January 13th last, asking for certain information upon the present condition of the archives of this Legation.

I beg leave to submit the following statement in reply.

1st. The correspondence and instructions received are bound and properly indexed down to the 1st day of January 1879.

2nd. It has not been the practice to transcribe the outgoing despatches, notes, and correspondence into separate record books, as the staff of this Legation is inadequate to the labor. The course taken with such papers is to bind up the original drafts in a style and manner uniform with the papers received. In case any drafts have so many erasures and interlineations as to interfere with their entire legibility, clean copies are made. It is believed that this practice secures the same results with less labor than would be involved in transcribing such papers. As an incidental advantage, it preserves the bulk of the outgoing correspondence in the handwriting of the Chief of the Legation.

All of the correspondence of this class has been bound and properly indexed down to the 1st day of January, 1879.

3rd. Since the 1st January, 1876, press copies of all outgoing despatches, notes, and correspondence have been taken as a supplementary record, and as affording additional security and accuracy, since such copies show exactly what language was used in any paper sent from the Legation, and the possibility of error in the record is thus reduced to a minimum. Since the date mentioned, both written and press copies of all outgoing correspondence have been preserved.

The press copy books are kept as the property of the Legation, and are indexed down to the date of this despatch.

4thly. Copies are preserved of both the original text and the translation of all papers either received by, or issued from this Legation in any other language than English.

Copies of all enclosures are also preserved, and are bound up in proper sequence with the despatches of which they form a part.

In regard to the Chinese correspondence, the originals of all despatches and notes received are preserved. On the outside of each its ~~&~~ number, date, and subject are endorsed. And the Chinese text of all outgoing and incoming despatches and notes, is transcribed into books of record.

These Chinese books of record are also indexed down to the date of this despatch.

5th. Permanent detailed record is made of the accounts of the Legation.

6th. I have no suggestions to make concerning the care of the records and archives.

Perhaps, however, I should remark that in addition to the indexes of the several bound volumes of record mentioned above, two other books are kept in this Legation which serve a valuable purpose.

The first of these is a "Register of Correspondence", and it is somewhat more full in detail than the register called for in Paragraph X. of the printed Personal Instructions. In it a separate record is kept of the correspondence with the Department, the Chinese Foreign Office, each of the Consulates, and of miscellaneous papers. In each of these a single line of entry shows the number, date, and subject of any outgoing or incoming despatch, the date, number, and date of receipt of any reply received or sent, and the volume and page of the bound records where the despatch in question may be found. For example, a single line in this register shows that, July 1st, 1878, I sent a despatch, number 19, to the Secretary of State upon the "Trade Dollar in China"; that it was answered in his instruction, number 244, of September 7th, which was received by me October 3rd; and that the original draft of my despatch is to be found upon page 101, of volume 88, of the Legation archives.

This register is of great value,

not only because it shows, at a glance, the exact state of the business of the office, but it also serves as a general index to the bound volumes of correspondence. It is kept carefully written up to date.

The second book is a "Topical Index." In this, as its title would imply, the correspondence of the Mission, from its establishment to the present time, is collated under general topics. Under each head is a reference to every despatch written upon that subject, the name of the writer, the date of the despatch, and the volume and page of the bound correspondence where his despatch may be found. Thus, under the heading "Audience" is entered each despatch written upon that subject by the various persons who have been in charge of this Legation, the name of the writer, the date of the despatch, and the page and volume where it may be found. As the bound correspondence in this office aggregates some 90 volumes, with an average of 800 pages to each, the value of such an index is manifest. Mere routine despatches, such as the acknowledgment of the receipt of a communication, are not entered.

This volume has not yet been completed to date but will be, I hope, within the next two months.

I am not aware whether

such books as the "Register of "Correspondence," and "Topical Index" are kept in the other Legations of the United States. If not, I believe their introduction would be of great service.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Mr Adee
Col. Morgan

Department of State
May 5 1879
Received

No. 132. One Enclosure.

Legation of the United States.
Peking March 12th. 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Incidental expense account.

Synopsis.

Mr. Holcombe encloses a duplicate statement of the account mentioned above. TM

No. 132. One Enclosure.

Legation of the United States.

Peking, March 12th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Referring to my despatch, number 128, I have the honor to hand to you, herewith, a duplicate of the statement of the contingent expense account which it contained. 1/132

I have the honor to be,

Sir, Your obedient servant.

Chester Holcombe

Enclosure.

1. Duplicate of contingent expense account for year ended June 30th, 1878.

Ack'd. inst approval May 8. Am Peck

DEPARTMENT
MAY
5
1879
RECEIVED

Approve C. P

Mr Adee

FOREIGN Relations 79

No. 133. Four Enclosures.

Legation of the United States.

Peking, March 12th, 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Transit passes for Szchuen produce.

Synopsis.

Mr. Holcombe reverts to his despatch number 104. and states that the tax officer still refuses to pass the merchandise in question. Encloses further correspondence with Prince Kung upon the subject, and asks approval of his course.

No. 133. Four Enclosures.

Legation of the United States.

Peking, March 12th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I regret to be obliged to report the opening of a fresh chapter in the history of the transit passes—ten in number—taken out at Hankow by Mr. M. A. Jenkins for the export of native produce from Szchuen. In my despatch number 904. of January 18th, I had the honor to inform you that the Szchuen Viceroy had promptly disapproved the action of the Lekin tax officer at Kwei Chow, and ordered him to respect the transit certificates, and to pass the merchandise covered by them.

Upon the 23rd of February, I received a further despatch in the premises from Prince Kung, a translation of which is enclosed. 1/133. It merely covered a report from the Lekin officer, sent through the viceroy, that, upon the 28th December, Mr. Jenkins had presented two of the passes at the tax station, and that the goods covered by them had been passed the same day. It further declared that no obstacles had been put in Mr. Jenkins way by the officials at Kwei Chow.

This appeared to be very satisfactory. But, upon the 6th instant, I received a despatch in the same matter from Mr. Shepard, in which a state of the case, strangely at variance with the report of the Lekin official was developed. According to the Consul's letter, the merchandise represented by two passes was entered at the Kwei Chow tax station, not indeed upon December 28th, but January 2nd. So far, however, from having been passed the same day, permission to pass it without the payment of the usual taxes was refused, and, upon the 16th January, the merchandise was still detained at Kwei Chow with no prospect of release. 2/133.

Immediatily upon receipt

of this information, I addressed a despatch to Prince Kung, a copy of

3/133. which is enclosed. In it, as you will see, I called his attention to the sharp contrast between the facts of the situation as reported by our Consul, and the statements of the Lekin deputy. I also spoke somewhat plainly in regard to the conduct of the local officer, and requested the Prince to send stringent orders to him to release the merchandise at once.

4/133. I enclose a translation of the reply of H. I. H. It is merely routine in its nature. Yet it may be that the instructions sent are more stringent than the Prince cares to indicate.

I wish I could add that circumstances, such as are set forth in these enclosures, are of rare occurrence in China. But the reverse is the fact. It is difficult to induce the Foreign Office to issue the necessary orders for a faithful performance of the promises contained in the treaties, and by no means certain that such orders, when issued, will be obeyed.

I shall press this business as vigorously as seems proper.

Asking your approval of my action, I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosures.

Enclosures.

1. Prince Kung to Mr. Holcombe
5/1879. February 23rd. 1879.
2. Mr. Shepard to Mr. Holcombe.
No. 28. February 8th. 1879.
3. Mr. Holcombe to Prince Kung
7/1879. March 7th. 1879.
4. Prince Kung to Mr. Holcombe
9/1879. March 12th. 1879.

Despatch No. 133.
Inclosure 1.

5/1879.

Prince Kung, Chief Secretary of State for Foreign Affairs: herewith makes a communication in reply.

In the matter of the ten transit passes taken out by Mr. M. A. Jenkins at Hankow, to cover the export of native produce from Szchuen, some time since I received a despatch from you requesting me to instruct the local authorities to give heed to the transit rules and release the goods at once. Thereupon I addressed the Viceroy of Szchuen directing him to cause the local officials to make the customary examination and to pass the merchandise as required by treaty, and I informed you of my action. In January last, I received a response from the Viceroy of Szchuen stating that he had directed the deputies in charge of the Lekin station at Kwei chow to obey the provisions of the treaties in the case, and I also informed you of this.

Upon the 12th instant, I

received a further despatch in the premises from the Governor General of Szchuen informing me that the Intendant of the Eastern Circuit of that province had reported the receipt of a communication from the Ichang Intendant stating that he was in receipt of a despatch from the Superintendent of Customs at Hankow informing him that Mr. Shepard United States Consul at Hankow had applied for the following transit passes on behalf of M. A. Jenkins, for the export of Szchuen produce:- i.e. for musk, 5 passes, for gallnuts, 2 passes, raw-silk 1 pass, white-wax, 1 pass, saffron, 1 pass, and that the passes had been made out and delivered. Orders were at once issued to the Lekin-station to make the usual examination, and in case the goods corresponded with the passes to allow them to proceed at once.

The Viceroy is now in receipt of a report from the Deputy in charge of the Lekin station, informing him that upon the 28th December Tsüei-chi-shan, the agent of M. A. Jenkins, entered at the Lekin station, seven boxes of gallnuts, covered by one transit certificate no. 31, of 1878, issued by the Hankow Customs, and 8 boxes of gallnuts covered by the transit certificate No. 32, of 1878, also issued by the Hankow Customs. Upon the same day the examination was made, the passes countersealed and returned to the agent, and the merchandise passed. From the third day of August at which time the ten passes were issued from the Hankow Customs up to the 28th December, Mr. Jenkins has only entered the two passes for gallnuts at the Lekin Station, and for these the inspections have been promptly made and the merchandise passed at once. No other passes have been presented by him. Mr. Jenkins is himself very dilatory in transacting his business, and no obstacles have been put in his way. The Lekin Station will be instructed upon the entry of the passes for musk and other merchandise to make examination and to pass the goods at once, etc. etc.

It becomes my duty to convey to you this report from the Viceroy for your information.

Chester Holcombe Esquire,
etc. etc. etc. etc.

Peking, February 23rd, 1879.

Despatch No. 133.
Inclosure 2.

Mr. Shepard to Mr. Holcombe.

No. 28. February 8th, 1879.

Sir:—

Referring to my No. 24. of November 2nd, 1878, to which you responded in your Nos. 54 & 57, I have the honor to forward herewith a copy of a letter just received from Mr. Jenkins, to which I need to add no remarks. As requested in your No. 57 I also inclose the original of the paper designated.

In the case of Messrs Russell & Co versus certain chinese, I have the pleasure to report that H. E. the Taotai has at length notified me of his assent to the investigation in my presence which I have so long contended for, at a day to be mutually agreed upon. When it has been held I will at once advise you of its course and its results.

I am, &c.

(signed) Isaac F. Shepard.

(Inclosures)

Copy of Letter of M. A. Jenkins, to Consul dated 6th February, 1879.
Chinese original of notice of refusal to recognize certain transit passes issued to Mr. Jenkins.

Mr. Jenkins to Consul Shepard

February 6th, 1879.

Sir:—

Referring you to my letter of the 1st November, 1878, I have to give you the following facts. On the 29th of December, 1878, a boat left Chun-Ching [重慶] with 15 packages Gallnuts, weighing peculs 28—. This boat arrived at Kwei Chow, [夔州] on the 2nd January of this year. On the arrival of the boat at the Tax-Station the transit pass covering the 15 pks. Gallnuts was presented to the official in charge, but the boatman was informed that the goods could not pass the station until the regular native charges were paid. According to the latest dates which I have from Kwei Chow, 16th January, of this year, the goods are not released. So you will notice the officer at Kwei-chow has been as good as his word. I am very sure that the officer in charge at Kwei-chow has received the letter from the Board at Peking to grant protection to the transit passes which have been granted to me to bring produce from Chun-Ching, but he has determined to carry out his own idea as stated in my letter of the 1st November, 1878.

I have to ask your kind assistance, and would recommend as a measure to save time, that you will ask H.E. the Minister to request the Foreign Board to send an order for the release of the goods direct to the officer in charge at Kwei Chow through the Tartar General at Kin-Chow [荊州府] with orders that he will hand it to the Ichang Taotai, who resides at Kin Chow [荊州府] for H.E. the Taotai to forward to Kweichow, as well as the Board's usual order to the Szchuen Viceroy. A letter sent to the Kwe Chow official as suggested will reach Kwei Chow in about 30 days (a month) which is a saving of fifty days. I must ask that you will give this case your earliest convenient attention, for besides the loss sustained by the detention of the 15 pkgs Gallnuts, there are goods waiting to be shipped under the other transit passes granted me in July last, twenty (20) in number,

I am. Sir,

signed M. A. Jenkins

Despatch No. 133.
Inclosure 3.

7/1879

Mr. Holcombe to Prince Kung.

March 7th, 1879.

I have the honor to acknowledge the receipt of Y. I. H.'s despatch of the 23rd ultimo in the matter of the ten transit passes taken out by Mr. M. A. Jenkins at Hankow, to cover the export of certain native produce from Szchuen. In it Y. I. H. informs me that you are in receipt of a report, through the Szchuen Viceroy from the Deputy in charge of the Lekin station at Kwei-chow to the effect that upon the 28th of December last, Tsuei-Chi-shan, the Agent of Mr. M. A. Jenkins, entered 15 boxes of Gallnuts, covered by transit passes Nos 31 & 32, of 1878. and that the merchandise was examined and passed the same day; that Mr. Jenkins has presented only these two passes at the barrier; that he is very dilatory in transacting his business, and that no obstacles have been put in his way etc. etc.

I regret very much the necessity

which I am under of troubling Y. I. H. further in this business. But I yesterday received information from the United States Consul at Hankow of a nature diametrically opposed to the statements of the Lekin Tax Deputy as quoted above. Mr. Shepards writes me that upon the 29th December, 1878, Mr. Jenkin's agent shipped from Chun-Ching-15 boxes of gallnuts weighing 28 peculs. They arrived at Kwei-chow upon the 2nd of January. The transit-passes covering the produce were presented to the Deputy who refused to allow the goods to proceed until the Lekin tax had been paid. Upon the 16th January the goods were still detained at Kwei chow, with no prospect of being released. The other transit passes have not been presented because the Lekin Deputy still refuses to recognize those already in his hands, etc. etc.

Y. I. H. will see at a glance the wide discrepancy between these two reports. I beg leave to ask that stringent orders be sent with all possible speed direct to the Lekin Deputy concerned to release the goods in question at once.

Mr. Jenkins has already been a heavy sufferer by the wrong doing of this officer, and I doubt not Y. T. H. will take proper measures to put an end to this illegal and unfriendly conduct. It will be for Y. T. H. to decide what steps should be taken towards an official who if my information be correct, refuses obedience to the orders of his superiors and then seeks to cover up his presumption with falsehood.

I have, &c.

(signed) Chester Holcombe.

Despatch No. 133.
Inclosure 4.

9/1879.

Prince Kung, Chief Secretary of State for Foreign Affairs herewith makes a communication in reply.

I have had the honor to receive your despatch of the 7th instant in the matter of the transit passes for Szchuen produce taken out by Mr. M. A. Jenkins at Hankow, stating that you had received my despatch of the 23rd ultimo stating that upon the 28th December last Tsüei chi-shan the agent of Mr. Jenkins entered 15 boxes of gallnuts, at the Kwei-chow lekin station, which according to the report of the Deputy in charge were examined and passed the same day; that from the 3rd day of August last when the 10 passes were issued at Hankow down to the 28th December, Mr. Jenkins had presented only these two passes; that he is dilatory in transacting his business and that no obstacles have been put in his way, etc. And you add that you are in receipt of information from Mr. Consul Shepard of Hankow to the effect that upon the 29th December 1878, Mr. Jenkins' agent shipped from Chung-King 15 boxes of gallnuts, that they reached Kwei Chow upon the 2nd January 1879; that the transit passes were presented to the Deputy for the usual examination and he refused to allow the goods to proceed until the Lekin tax had been paid, that upon the 16th January the goods were still detained at Kwei Chow with no prospect of being released. You state that the report of Mr. Consul Shepard is diametrically opposed to the statements of the Lekin Deputy, and you request me to send stringent orders with all possible speed direct to the Lekin Deputy concerned to release the goods in question at once, etc. etc.

I have the honor to state that upon the receipt of your despatch now under reply, I instructed the Viceroy of Szchuen to order the Lekin officer at Kwei Chow to release the goods mentioned at once, and to report his action to the

Viceroy.

Upon receipt of the last named officer's responce, I will inform you of its nature.

Chester Holcombe Esquire.
etc. etc. etc. etc.

Peking, March 12th, 1879.

DEPARTMENT OF STATE
MAY 5 1879
RECEIVED

Judge O'Connor

Instr. approving July 14. aaa
AAdee

No. 134.   Three Enclosures.

Legation of the United States.
Peking, March 17th. 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Loss of the bark "Forest Belle" on the coast of Formosa, in March, 1878.

Synopsis.

Referring to the Department instruction number 257, Mr. Holcombe narrates the steps taken towards making the investigation called for.

No. 134. Three Enclosures.

Legation of the United States.
Peking, March 17th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Referring to your instruction, number 257, directing me to cause an investigation to be made into all the facts and circumstances connected with the destruction of the American bark "Forest Belle" upon the southern coast of Formosa, in March, 1878, I have the honor to inform you that I have requested O. N. Denny, Esquire, United States Consul at Tientsin, to undertake the investigation.

I

I have the honor to enclose
1/134. a copy of a letter addressed to Rear Admiral Patterson, immediately upon the receipt of your instruction, in which I asked him for any information which he might have in the premises, more particularly in regard to the existence of the rock upon which the "Forest Belle" is said to have struck, and also requested him to furnish a vessel in which Mr. Glenny may proceed to the scene of the disaster.

I have not yet heard from the Admiral in reply. Mr. Glenny will proceed upon his mission as soon as I am informed that a vessel of war is detailed for the purpose indicated above.

I

I have confidence in his intelligence and sound judgment and believe that he will conduct his business in a satisfactory manner.

I submit herewith a copy of my instruction to Mr. Fleming, and of his response. You will see from the former that I have indicated to him that the Government will, doubtless, pay the necessary expenses of his mission. 2/134 3/134

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosures.

Enclosures.

1. Mr. Holcombe to Rear Admiral Patterson.
January 30th. 1879.

2. Mr. Holcombe to Mr. Denny.
No. 49. - March 8th. 1879.

3. Mr. Denny to Mr. Holcombe
No. 16. March 15th. 1879.

Despatch No. 134.
Inclosure 1.

Mr. Holcombe to Adml. Patterson.

January 30th, 1879.

Sir:—

I am under instruction from the Honorable Secretary of State to cause a careful and thorough investigation to be made by some competent and trustworthy person into all the facts and circumstances connected with the loss of the American bark "Forest Belle" of Portland, Oregon, upon the southern coast of the island of Formosa in March, 1878.

From the papers laid before me in the premises it appears that the U. S. S. "Ranger", Commander H. D. Manley, reached Kwa Liang Bay, the scene of the disaster, after the "Forest Belle" was run ashore, but before she was finally destroyed, and that Commander Manley made an ineffectual search for the rock upon which it was claimed that the bark had struck.

It will be of great service to me, in the investigation about to be made in this business, to have a copy of the report which Commander Manley doubtless made to you as to such of the facts and circumstances connected with the loss of the "Forest Belle" as came to his knowledge. May I beg you, therefore, in case you should deem it proper, to furnish me with a copy of the report in question at your earliest convenience. I am informed that Commander Manley has returned to the United States. Will you kindly inform me whether any of the other officers who were in the Ranger at the time of her visit to Formosa are now upon this station, and whether their statements in the case can be secured, if I should desire them?

The papers before me seem to indicate a doubt in Commander Manley's mind as to whether any such rock existed as that on which Captain Noyes claimed that his vessel struck. May

I

I ask to be informed whether a sufficiently careful survey of the locality has been made to enable any person to have a positive knowledge of the existence or non-existence of the rock in question.

If no such thorough survey has been made, would it be consistent with your other plans for the disposal of the vessels under your command, to have one made at an early day, and to communicate the result to me.

You will please pardon me for troubling you to such an extent, but the business is of very serious importance, since it would appear, either that Captain Noyes must be held to answer for the wilful destruction of the vessel under his command, or that her owners have a right to expect indemnity for her loss, from the Government of China.

It will be necessary for me to depute some person to proceed to the scene of the disaster for the purpose of making certain inquiries there. It is my intention that he should be ready to leave Shanghai about the 15th of March next. As the locality is not within the route of merchant steamers, would it be convenient for you to furnish a vessel of war to take up my deputy, at Shanghai or Amoy, as might be more convenient to you, and carry him to and from the locality named.

I beg leave to apologize again for the trouble to which I am putting you.

Soliciting a response at your early convenience.

I have, &c,
(signed) Chester Holcombe

Despatch No. 134,
Inclosure 2.

Mr. Holcombe to Mr. Denny.

No. 49. March 8th, 1879.

Sir:–

I am under instruction from the Honorable Secretary of State to cause a thorough and careful investigation to be made by some competent and trustworthy person into all the facts and circumstances connected with the destruction of the American bark "Forest-Belle" of Portland, Oregon, in March 1878, on the southern coast of the island of Formosa.

In obedience to this instruction I have the honor to request you to undertake the investigation called for.

I enclose for your more particular information in the details of the case a copy of a memorial presented to the President of the United States, by the Agent of the owners of the "Forest Belle"; and also a copy of an opinion upon the case passed by the Law Officer of the Department of State.

The last named paper will indicate to you certain points in the story of the destruction of the vessel which need to be carefully examined into, and a thorough study of the whole business will doubtless develope other lines of inquiry.

There appears to have been some question between Captain Noyes of the "Forest-Belle" and Commander H. B. Manley of the U. S. S. "Ranger" as to the existence of the rock upon which it is asserted that the bark struck. I have requested Admiral Patterson to furnish me any information which he may have upon this point, and, if necessary to make a further survey of the locality indicated in order to determine positively that most important question.

At a later moment you will be furnished with any information which I may receive from Admiral Patterson and also with copies of the minutes of the Courts of Inquiry held at Hong-Kong and Amoy.

It will be advisable for you

to visit the locality of the wreck, and make personal investigation upon the spot. In order to accomplish this, I have requested Admiral Patterson to put one of the vessels of his command at your service; which will await you either at Shanghai or Amoy.

You will make special effort to meet in person, the mandarin named "Wang-jin-chew" to whom Captn. Noyes declares that he entrusted the charge of his vessel. You will, if possible, obtain the original or a copy made by yourself of the letter which Captn. Noyes says he delivered to the mandarin. It is also desirable that, if it can be done, you should see the Commanders of the two Chinese gunboats "Tchew Hang", No. 14, and "Hai Ching" No. 13, mentioned as having afforded assistance.

You should also make effort to see the master "Hener" of the British Brig "Onward" and obtain whatever facts may be available from him. I judge that the "Onward" is owned by the firm "Mannich & Co." of Takao, Formosa.

And, generally speaking, you should spare no pains nor effort to arrive at the exact facts of the destruction of the vessel named.

You will of course make a full report to me of the course of your investigation, and the results at which you may arrive.

I enclose two letters, one each to our Consuls at Amoy and Hong Kong, which will enable you to examine any records in their offices in the business in hand.

It is safe to assume that the Department of State will meet the necessary expenses which you may incur in your investigation. Your account for them should be forwarded to me.

It is desirable that you undertake the business with the least possible delay.

I am, &c.

(signed) Chester Holcombe.

Enclosures

1 Memorial of William H Besse and others
to the President of the United States.
2 Opinion of the Law Officer State Dept^{mt}.
3 Mr. Holcombe to Mr. Stevens.
4 Mr. Holcombe to Mr. Mosby.

Despatch No. 134.
Inclosure 3.

Mr. Denny to Mr. Holcombe
No. 16. March 15th, 1879.

Sir:—

I beg to acknowledge the receipt of your despatch No. 49 — together with enclosures, stating that you have been instructed by the Honorable Secretary of State to cause a thorough and careful investigation to be made by some competent and trustworthy person into all the facts and circumstances connected with the destruction of the American Bark "Forest Belle" of Portland, Oregon, in March, 1878, on the southern coast of the Island of Formosa and requesting me to undertake the investigation called for.

I thank you very sincerely for the confidence you repose in me by your selection. I will accept and endeavour to perform the duties of the trust faithfully — and to the best of my abilities; keeping in view at all times the important suggestions contained in your despatch.

I am, &c,

(signed) O. N. Denny.

This is all right Mr. Seward is entitled to his salary all the time he has been here. he is here under orders from the Department and on public business The sixty days absence from Post on leave or "otherwise" provides for cases where the "*otherwise*" is on the minister own motion or without any orders from or procurement of the Dept.

Henry O'Connor

To Mr. Payson

March 18th 1879

Washington. March 18th 1879.

DEPARTMENT OF STATE
MAR 18 1879
RECEIVED.

To Honorable William M. Evarts.
Secretary of State.

Sir:

I have the honor to hand you herewith my draft for Three Thousand Five Hundred Dollars. I beg leave to request that it be paid and charged in my account for compensation as Minister at Peking.

I have the honor to be
Sir:
Your obedient servant
George F. Seward

File

DEPARTMENT OF STATE
MAY
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1879
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Ack
C.P.

wAdee

No. 135. Two Enclosures.

Legation of the United States.
Peking, March 18th, 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Foochow Trade Committee.

Synopsis.

Referring to Mr. Seward's despatches upon this subject, Mr. Holcombe reports the action of the Vice Consul at Foochow, in refusing to receive a despatch from that body, and states that he has approved Mr. Cheshire's course.

No. 135. Two Enclosures.

Legation of the United States.

Peking, March 18th 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Referring to Mr. Seward's despatches, numbers 168. 192. 248. 268. and 276. relating to the so called "Foreign Trade Committee" of Foochow, I have the honor to hand to you, herewith, a copy of a despatch which has been received from Vice Consul Cheshire, in which he informs me that, having received a despatch from that body, he returned it unopened, and accompanied by a note 1/135.

giving the reasons for his action.

2/135. I also enclose a copy of a communication which I have addressed to Mr. Cheshire in approval of the course taken by him.

I have the honor to be,
Sir,
Your obedient servant,
Chester Holcombe

Enclosures.

1. Mr. Cheshire to Mr. Holcombe.
No. 120. February 27th 1879.
2. Mr. Holcombe in response.
No. 72: March 17th 1879.

Despatch No. 135.
Inclosure 1.

Mr: Cheshire to Mr. Holcombe.
No 120. February 27th, 1879.

Sir:—

I have the honor to inform you that on the 25th instant, a despatch was received at this Consulate, from an expectant Taotaï named Fang-Hsün, (方勳) the cover enclosing same, bearing the seal of the "Tung Shang Chu". Office of the Board of Trade.

I did not open the despatch but returned it with a note explaining to that Officer that as this Consulate had received instructions from the United States Minister not to have any dealings with or to recognize the Tung Shang Chu. (Board of Trade) in any way, I could not receive any document bearing the seal of that Office.

A similar document was sent by the same officer to the British and French Consuls, both of which were returned. The French Consul opened the one he received and he informed me that it contained an announcement of Mr. Fang's appointment by the Viceroy to the charge of Foreign Affairs at this post.

Mr. Fang has been acting as a sort of an aid-de-camp to H. E. Ting Futai, and seems, as far as I can see, well disposed towards foreigners and might be an efficient person to take charge of Foreign Affairs, yet, if the Consular Body should recognize him in his new appointment, it would be the same as recognizing the Board of Trade again.

Since the various Consuls at the port received instructions from their respective Ministers not to have any dealings with the so called "Trade Committee," the Kiang Tao, or Grain Intendent has had the management of Foreign Affairs, and with whom the Foreign Consuls have, in most instances, transacted business with.

I thought it well to lay before the Legation the above facts and I shall continue to adhere strictly to the instructions contained in Minister Seward's despatch No 32, bearing date May 15th, 1877.

I have, etc,

(signed) F. D. Cheshire

Despatch No. 135
Inclosure 2.

Mr. Holcombe to Mr. Cheshire
No. 72. March 17th, 1879.

Sir:—

I have had the honor to receive your despatch, number 120, informing me of your refusal to receive a despatch from the Chinese local Authorities, and bearing the seal of the so called "Board of Foreign Trade."

Your action is approved and commended, as is also the intention expressed in your despatch to adhere strictly to the instructions bearing upon this subject contained in Minister Seward's despatch number 32, of May 15th, 1877.

I am, etc.
(signed) Chester Holcombe.

McAdee

File

DEPARTMENT
MAY 5 1879
RECEIVED

No. 136.

Legation of the United States.
Peking, March 27th, 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions, numbers 273. 274. 275. and 276. have been received.

No. 136.

Legation of the United States.
Peking, March 27th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honour to acknowledge the receipt of your instructions, numbered respectively 273. 274. 275. and 276.

I have the honour to be,
Sir,
Your obedient servant.
Chester Holcombe

Mr Adee
&
Mr Morgan

Washington. April 10, 1879

DEPARTMENT OF STATE
APR 11 1879
RECEIVED

To Honorable
William M. Evarts.
&c. &c. &c.

Sir:

I have the honor to hand to you herewith an account for my salary for the 1st and 2nd quarters of 1876, and for the year ended 31st March current.

I have made up my account for 1876 in accordance with Mr Fish's instructions of July 27th 1876, I have believed that while acting in a diplomatic capacity after notice of my appointment as Minister I should be paid as Minister and I may hereafter bring these views again to the attention of the Department.

I have brought into my account an item for transit expenses of $398. details of which will be found upon a separate page. I trust that there will be no difficulty in allowing it.

As I am desirous of returning at once to my post I have drawn my draft upon you in favor of myself for the balance stated say $3.316.04/100. I beg leave to request that the draft be paid and charged to me on account.

I have the honor to be
Sir,
Your obedient servant
George F. Seward
U.S. Minister.

P.S. drafts for $ 144.37

& 2273 87

Approved for $ 2418.$\frac{24}{100}$ items $ 499.^{80} & $ 398 held for future consideration Apl 15th 1849 — substituted for the draft for 3.316.^{04}

Mr. Seward will please confer with me on this.

Mr Adee

APR 16 1879
RECEIVED

Washington. April 15, 1879

Honorable William M. Evarts.
&c. &c. &c.

Sir,

Mr von Schlozer's note of September 18th last, and its enclosures, having been brought to my attention I have the honor to hand to you a brief memorandum upon the questions involved,

I have the honor to be

Sir,

Your obedient servant
George F. Seward

Memorandum on Chinese Circular of March 1878. (with Mr von Schlozer's letter of September 18. 1878.)

This circular was not communicated to the Legation at Peking, or to the Government. It would have been drawn out no doubt if there had been any discussion here of the questions involved.

Transit Dues & Likin Taxes.

My views in regard to the right construction of treaty-stipulations affecting the levy of transit-dues and likin taxes have been fully stated to the Department. The exposition of them agreed to by all the representatives at Peking saving the English will be found in the protocol transmitted by me with my despatch No. 177 of ~~October~~ December 1876.

It is desirable, I think, to adhere generally to the positions stated in the protocol, both because they are correctly taken, and because they have been accepted by other Governments.

The subordination of foreigners to Chinese law.

The proposition of the Circular is too broad. We can never admit the principle that a foreigner in China may not do what is forbidden to a Chinaman, or may be required to do what is required of a Chinaman. All Chinese who come before a magistrate are obliged to fall upon their knees. We could not require our people to do so. A Chinaman who has taken a concubine may be punished for putting her away. We could not even recognize the relationship. It is desirable obviously that we should not permit our people to outrage the public sentiment of China or to break our rules enforced against their people. Things, however, which are not offences in the United States cannot be dealt with as such in the Consular Courts. It is our own system of law which these Courts are empowered to administer, and not Chinese law.

The instance given on page 9 of the Circular is not well conceived. If a foreigner should attempt to use a passage or way interdicted to persons of the Country he could be dealt with for trespass. If he should be prosecuted for using the passage because not wearing a certain style of hat (a rule enforced against natives at Peking in the case of certain passages or streets.) the Court would have difficulty in entertaining the action.

Difficulties do, certainly, arise, in consequence of the exemption of foreigners from the national sovereignty. For instance a Chinese may not open a theatre. If a foreigner does so can he be dealt with criminally, or in any way stopped. Disregard of such a provision of Chinese law should not be permitted, It will be safer however to leave the given Council or Court to solve the difficulty as such ~~be~~ may be, rather than to assent to the broad principle asserted by the Chinese. In my experience there was always a way to meet every case, quite within ordinary lines of procedure.

a

A cognate subject is the question what law is applicable in the settlement of civil matters at issue between natives and foreigners. My view is clearly stated in the protocol of 1876. My colleagues all differed from me at first but after consideration assented to and sustained my position.

Judicial Authority of Merchant Consuls.

The objections to the performance of judicial work by merchants consuls are tenaciously held by the Chinese. I have heretofore urged that where we cannot sustain a full salaried Consulate we ought to make the Consular Office an agency merely. Practical effect has been given to this view. Newchwang for instance is an agency subordinate to Hankow, and Chefoo and Swatow are agencies of Tientsin and Amoy. There will be no difficulty in the way of our assenting to the wishes of the Chinese in this connection.

Favored Nation Clause.

The proposition that we may avail of privileges accorded to the people of other countries only to the extent allowed to them, that is to say that we are bound by their construction of treaty-stipulations, the enjoyment of which we seek under the favored nation clause of our treaty, to which the given third Government assents, appears to be fair enough. Questions may arise, however, when we may not be willing to accept the declarations of the Chinese as to the right construction of a given stipulation, or to draw the third

Governments

Government into the discussion.

The subject is one of great importance to us as we have made no effort to keep pace with other Governments, in negotiating treaties, relying upon the favored nation clause, and it should be dealt with carefully if brought forward by the Chinese for our assent.

Jurisdiction over Chinese Christians.

This subject was very fully and very ably discussed a few years since by Governor Low. It was dealt with also in a dispatch written by me from Hong Kong in February 1876. It is possible for us to say to the Chinese that we have no intention or desire to interfere between them and their subjects, and that we will not allow our people, missionaries or others do so. The broad admission of this rule of action will not deprive us of the right to present for the information of the Government cases brought to our notice of the persecution of Chinese because of their adherence to the Christian faith.

It will be well to respond to Mr von Schlozer's note that the matters mentioned in his letter of the 18th of Sept and the enclosed Chinese Circular will form the subject of an instruction to the representative of the United States at Peking and that he will be authorized to cooperate with Mr von Brandt in promoting the objects which the German Government are understood to have in view, and an instruction to this effect should go out to Peking

Geo F. Seward

Washington. Apr. 15th 1879

Finance
Dip. Bureau
Reports, April 26.
aa

Seward

Washington. April 16, 1879.

Ans'd May 3.
aa

DEPARTMENT OF STATE
APR
16
1879
RECEIVED.

To

Honorable William M. Evarts:-

&c. &c. &c.

Sir:-

For a series of years the sum allowed for contingent expenses at Peking has been insufficient to meet the outlays, leaving a burden not intended by the Government upon the representative at that Capital. I beg leave very respectfully to ask your attention to the letters heretofore addressed to the Department upon the subject and notably to one written in the early part of each year, and to ask that if possible the increased allowance requested in that despatch be granted.

I have the honor to be,

Sir,

Your obedient servant

George F. Seward

reference
in case the
matter is recurrent.
ack'd by P.M.G.

Wade

Washington. April 16th 1879.

DEPARTMENT OF STATE
APR
16
1879
RECEIVED

To

Honorable William M. Evarts.

&c. &c. &c.

Sir:-

You are aware that the United States has a postal agency at Shanghai. You are aware also that the Chinese are moving for the establishment of a postal system at the open ports of their Empire, and that the Japanese who control the steamers by which our mails are transported between Shanghai and Yokohama propose that our office at Shanghai be discontinued and our mails given over entirely to their care,

I

I have now to suggest that in case the Post Master General makes any reference of this subject to yourself it will be well to refer the matter to the Legation at Peking for a report.

I may state that acting as I think with a just regard for the Japanese we have discontinued our post office in their country and that I should prefer that we should withdraw in China in favor of the Chinese rather than the Japanese. The present movement of the Chinese to establish a postal system owes its inception to suggestions made by me, and I take more than ordinary interest in the matter on that account.

I have spoken upon this subject with the Post Master General, and I understand that he agrees generally in

my

views.

I have the honor to be,

Sir,

Your obedient servant

George F. Seward.

Mr Adee

Pr. instructions accordingly. ✓ Instn to Mr Seward April 28. AAA

Washington. April 16, 1879.

DEPARTMENT OF STATE
APR
16
1879
RECEIVED.

To

Honorable William M. Evarts.

&c. &c. &c.

Sir:—

The persons interested in the so-called Ward Claims, and Mr Hill who has a claim for the use and loss of a steamer known as the Kiorgeor, will press me after my return to China to take up their matters.

Whether the moment will be opportune for the prosecution of claims may be doubted. We cannot let them rest untouched however and I beg leave to suggest that I be instructed to pursue them as circumstances may permit. My late

action

letters regarding these matters will indicate that the time for urgency has passed and that we cannot well do more now than to take up an attitude which will be felt by the Chinese as expression of dissent from their conclusions, but will not occasion irritation.

The question whether Mr Hill is entitled to interest has been decided by the Department in his favor. I doubt greatly whether the Chinese can ever be brought to assent to this conclusion, and inasmuch as they have not yet agreed to our view of the sum due as principal I should propose to discuss the latter matter only at the moment leaving the other to be undertaken afterward. I respectfully ask your approval of this proposal.

I may suggest that good may

result of the Department will speak of the claims and a desire to remove them from the arena of controversy with the Chinese Minister here.

I have the honor to be,

Sir,

Your obedient servant,

George F. Seward.

Ack'd. Aug. 7.

No. 137.

Legation of the United States.
Peking, May 29th, 1879.

JUL 25 1879

Chester Holcombe to
the Secretary of State.

Subject

Receipt of instructions.

Synopsis.

Department instructions, 277 to 290 inclusive, and certain books have been received.

No. 137.

Legation of the United States.
Peking, May 29th, 1879.

Honorable William M. Evarts
Secretary of State.

Sir:—

I have had the honor to receive your instructions numbered respectively, 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. and 290.

I have also received a supply of blank passports, two copies of the Consular Regulations, edition of 1874., one copy of "Charters and Constitutions", one copy of "Revised Statutes of the United States, 2nd Edition, 1878.";
and

and five copies of the "Foreign "Relations of the United States" for 1878.

I have the honour to be,
Sir,
Your obedient servant.
Chester Holcombe

Ack'd, approving.
Aug. 14.
Mr Polk.

Ack & approve
C. T.

Mr Adee

No. 138.

Legation of the United States.
Peking, May 29th, 1879.

DEPARTMENT OF STATE
AUG 11 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Absence from Peking.

Synopsis.

At the end of March, Mr Holcombe was obliged to take his family to Shanghai. He went thence to Hongkong to meet General Grant, and accompanied him to several ports named. No detriment to public interests, and no expense to the

Government has resulted from Mr. Holcombe's absence from Peking. He was away 65 days, and asks the approval of the Department for his action.

No. 138.

Legation of the United States.
Peking, May 29th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

At the end of March last, circumstances made it necessary for me to take my family to Shanghai. At about the same time, General Grant was expected in the south of China, and it seemed only due to our distinguished countryman that I should meet him upon his arrival in this Empire, and accompany him to such points within it as he might choose to visit, in order to place my knowledge of the language and experience with the people at his disposal, and, in general, to make his stay in China as interesting to himself, and as valuable in its results upon the relations between the two Governments, as possible.

I accordingly proceeded to Hongkong, where I met General Grant and party upon the 30th of April. I accompanied them in their visits to Canton, Macao, Swatow, Amoy, Shanghai, and Tientsin. I left them at the last named port yesterday, and came on in advance to this city, where I arrived this afternoon, having been absent 65 days.

At the time of my ~~a~~ departure, there were no questions between this Legation and the Chinese Foreign Office which required my attention, nor have any arisen during my absence, throughout which I have been able to keep in constant communication with the capital. Correspondence with the various Consulates has received prompt attention, as it has arisen.

So far as I am able to judge, no detriment to public interests has been occasioned by my visit to the south to meet General Grant, and I am convinced that his visit to this country will result in a decided improvement in our relations in China. At all the ports named above he has been received with the utmost respect and cordiality by the Chinese officials and people, and by foreigners of all nationalities. I expect him to reach this city four days hence, where he proposes to remain some little time as my guest.

I hardly need say that my visit to the south, and my journey with General Grant, have been a source of no expense whatever to the Government.

I

I have the honor to beg that, under the circumstances narrated above, you will be so good as to approve my course in absenting myself from this city for the time named.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Mr Adee

File

One copy to Treasury

No. 139.

Legation of the United States.
Peking, May 30th, 1879.

DEPARTMENT
AUG
11
1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Forwards "Customs Gazette".

Synopsis.

Mr. Holcombe forwards, under separate cover, two copies of the "Customs Gazette, January–March, "1879."

No. 139.

Legation of the United States.
Peking, May 30th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:–

I have the honor to hand to you herewith, under separate cover, two copies of the "Customs "Gazette, Number XLI. January– "March, 1879." as published by order of the Inspector General.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

File/

Mr Adee

No. 140.

Legation of the United States
Peking, May 30th, 1879.

DEPARTMENT OF STATE
AUG 11 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject

Customs "Trade Returns".

Synopsis.

Forwards, under separate cover, two copies of "Returns of Trade" in China, for the year 1878.

No. 140.

Legation of the United States.
Peking, May 30th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:–

I have the honor to hand to you, herewith, under separate cover, two copies of the "Returns of Trade "at the Treaty Ports" in China, for the year 1878, published by order of the Inspector General of Customs.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Mr Adee

Shanghai, June 2. 1879.

DEPARTMENT OF STATE
JUL 14 1879
RECEIVED

Seen by Col Morgan July 14.

Honorable William M. Evarts:

&c. &c. &c.

Sir.

I have the honor to advise you that I have drawn a draft upon the Department in favor of Messrs W. H. Fogg and Company of New York for One Thousand Dollars. I beg leave to ask that the draft may be paid on presentation and the amount charged against my salary for the current quarter.

I have the honor &c.
Sir,
Your obedient servant
George F. Seward.

File

Mr Wood

Shanghai. June 2nd 1879.

DEPARTMENT OF STATE
JUL
14
1879
RECEIVED

Honorable William M. Evarts.

&c. &c. &c.

Sir:

I have the honor to inform you that I have arrived in China, and that I shall go to Peking at once. I should reach there by the 10th instant.

I have the honor to be

Sir,

Your obedient servant.

George F. Seward.

File/

Mr Adee

No. 141.

Legation of the United States.
Peking, June 2nd, 1879.

DEPARTMENT OF STATE
AUG
11
1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Customs Medical reports.

Synopsis.

Mr. Holcombe forwards, under separate cover, two copies of the reports named above, for the half year ended September 30th, 1878.

No. 141.

Legation of the United States.
Peking, June 2nd, 1879.

Honorable William M. Evarts
Secretary of State.

Sir:—

I have the honor to hand to you, herewith, under separate cover, two copies of "Medical "Reports for the half year ended "September 30th, 1878, published under the direction of the Inspector General of Customs.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Copy of enclosure (Mr. Lincoln's letter) to Com. of Agriculture with Consul's despatch May 24. Consular Bureau

Ack - Send copy of report to Comr. of Agriculture
C. P.

W. Adee

Acknowledged Sept. 24.

N°. 142. One Enclosure.

Legation of the United States.
Peking, June 2nd. 1879.

DEPARTMENT OF STATE
AUG 11 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject

Manufacture of sugar in China.

Synopsis.

Having been applied to for information upon this subject, by a gentleman in Nashville, Tenn. Holcombe forwards a copy of such information as he has been able to obtain, to the Secretary of State.

No. 142. One Enclosure.

Legation of the United States.
Peking June 2nd, 1879.

Honorable William M. Evarts,
Secretary of State.

Sir:—

In November of last year, I received a request from Mr. S. W. Morgan of Nashville, Tennesee for information as to the processes adopted by the Chinese for producing crystalized sugar from the Chinese "sorghum" or sugar cane.

I applied at once to Mr. Consul Lincoln of Canton for information upon the subject, as nearly all the sugar product

of China comes from his a district. I have forwarded a copy of Mr. Lincoln's report to Mr. Morgan and, as the subject is one of general interest, I
1/142. have the honor to enclose a copy of the same report to you, for such use as you may see fit.

I am inclined to believe that the cane from which sugar is manufactured in the southern portion of this Empire is not the same as the "sorghum" or Chinese sugar cane of our Middle and Western States, but is identical with the ordinary cane found in Louisiana.

If I am correct in this

opinion, the enclosed report will prove to be of little value.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

Mr. Lincoln to Mr. Holcombe

No. 22. March 10th, 1879.

Despatch No. 142.
Enclosure.

Mr. Lincoln to Mr. Holcombe
No. 22 March 10th, 1879.

Sir:—

Pursuant to your request of 14th November last I am now enabled by personal investigation and a report from our Consular Agent at Swatow to give you the following information relative to the culture of Chinese sugar-cane or sorghum, and the manufacture of crystalized sugar and "Rock Candy."

From the sources mentioned I learn—1st, That the Chinese never allow their sugar cane to produce seed, therefore it is impossible to obtain any here.

2nd The sugar cane is grown from cuttings in the following manner—.

When the cane is cut down, the tops are cut off and bound in bundles, the leaves of these top-cuttings are taken off, The cuttings which usually have four or five joints are placed in a pond of fresh water, where they remain in soak for some twenty days, at which time the joints mentioned will have thrown out sprouts or buds.

These will be some four or five inches in length — the cuttings are then planted in rows about two feet apart and on an angle of about sixty degrees. The cuttings when planted are slightly manured with beancake, which is the compressed pulp of the yellow China-bean which, as you are aware, grows abundantly in the Northern portion of the Empire. It requires ten months from time of planting before the crop is matured and ready for harvesting.

From the roots of this crop, they being well fertilized with the beancake in a semi liquid form, a second crop is produced. A third yield is sometimes secured in this manner, but only where the soil is exceptionally rich. If the soil is not sufficiently fertile for a third crop, the roots are removed, the land cultivated and manured as for the first crop, and cuttings are planted every two years as above described.

3rd The cane when cut is collected into bundles and conveyed by men or boats according to locality, to the mill or crusher. This consists of two granite cylinders about three feet in length by eighteen inches in diametre, placed perpendicularly; the lower ends revolving in a stone socket, the upper in a frame of wood set into granite uprights, attached to or let into the upper end of these cylinders are wooden coggs and to the end of one of the cylinders is attached a strong wooden shaft or spindle to the upper end of which is fixed a strong cross beam or lever, to the outer end of which is attached the propelling power which usually consists of five or six small oxen. These are driven round at a rapid walk, the cane passed between the cylinders; the juice running down into a small trench leading to a cavity of twenty or thirty gallons capacity, formed in the ground, both trench and cavity are rendered secure from leakage by being chunamed. The juice is then conveyed in buckets to the boiling pans near at hand. I am told that though the cane is passed between the cylinders several times, a very small part of the juice is extracted, when compared with what is done with the improved foreign crusher. The cane after being crushed is frequently used as fodder and sometimes is dried in the sun and used for fuel for boiling the sugar.

4th The boiling pans are of cast-iron. The greater portion of those used in this part of the country being made at Fat Shan. some fifteen miles in the interior from Canton. They are some eighteen inches deep by about four feet in diameter, are placed in brickwork side by side usually four in number, with arches for fuel underneath. All covered with a mat or thatched shed. In some of the larger districts owned by wealthy Chinamen, several sets of these pans may be found under one roof.

I visited a large "Rock Candy" manufactory at Fat shan a few days since and learned that the best quality of this article is made from white, and a poorer article from brown sugar, in the following manner. The sugar is placed with a sufficient quantity of water in a large boiling pan, similar to the ones described, and boiled down to the proper consistency, which is ascertained by putting a small quantity into cold water. If it hardens at once, it is then time to run it off into earthen jars. These jars hold about 50 lbs each. They are always broken in three or four parts and these parts are then bound together with a small quantity of lime cement and a few bamboo or rattan hoops. The hot liquid is then put into these broken jars, and a net work of basket splints is placed over each jar the ends of the splints extending in different directions, through the liquid to the bottom of the jar.

If the temperature is cold it will crystalize in about 15 days, if warm it requires from 25 to 30 days. As it crystalizes it atheres to the splints, the portion not crystalizing settles to the bottom. The jars are then placed with bottom-part turned partly up over empty ones, to allow the molasses to run out. When sufficiently drained, the jars are removed, the hoops taken off, and with a small hatchet, the parts pryed asunder; the candy is then broken from the splints and spread out in the sun for a short time, to purify or bleach, then assorted and packed into wooden, tubs, holding from forty to fifty pounds, and sent to market.

Two qualities are always found in the jars, that at the bottom being darker and of course of less market value.

The drainings from these jars are reboiled and a poorer quality of Brown sugar produced, from the refuse remaining after this last process a cement is made by mixing with lime.

Consular Agent Williams gives the following detailed statement of the process pursued in the manufacture of what is known as "Green Sugar".

December is the month when they begin to boil the juice, as it is taken from the crushers in buckets it is poured into one of the four iron boiling pans, a man is in attendance who bails the juice from one pan to the other; as soon as the liquid is brought to a boil, a small portion of lime is put in, and the white of one or two eggs is put in each pan. After a short time the dirt and refuse come on the surface which is all skimmed off, from time to time, while the sugar is boiling. When sufficiently boiled it is run off into a wooden cooler about 7 feet long, 4 feet wide and one foot deep and while in the hot liquid state a man begins to stir it back and forth with a piece of wood 1 foot long 6 inches broad by one inch thick attached in the center to a handle 4 feet long, with this wooden hoe he keeps the liquid in constant motion until it begins to granulate & cool and when cool enough several men mix and rub it with their hands, until all the lumps are bruised and the sugar becomes all of one color, which is a dark yellow, it is then put in baskets, and sold to sugar dealers, who put it up in mat bags and then brought to market for sale to merchants for shipment.

The sugar principally exported to foreign countries is what is known as "Clayed Sugar"

Sugar", and is made as follows—

When the juice is boiled to a proper consistency, the whites of two eggs are put into each pan, which serves as a clarifier, when sufficiently boiled, it is run off into conical shaped earthenware jars; these are placed in rows, either over a chunamed trench leading to a larger receptacle or over empty jars. In the bottom of each jar containing the sugar is a small aperture in which is placed a wisp or bung of straw; when the sugar has become sufficiently granulated by cooling and an occasional stirring, the straw bung is slightly loosened, the portion not becoming sugar escapes into the trench or empty jars. When sufficiently drained, a thin layer of straw is placed over the sugar and over this a thick layer of clay. The jars are then packed away in a dry place where they remain from 30 to 40 days according to the state of temperature. If cold 40, if warm 30 days. The coverings and straw bungs are then removed and each jar will be found to contain three qualities or grades of sugar, the upper part being white, the next light brown and the bottom a dark brown.

The drainings are sometimes used for distilling purposes, and also in making cement as above stated.

During the past year, the market-price of the different grades of sugar ranged from $s 2.90 to $s 6.25 pr. picul (133⅓ lbs.).

It seems there are two kinds of cane grown here. One, and the better for sugar, is of a dark purple color and much harder than the other which is green and quite tender. The latter is principally sold in pieces about 8 to 10 inches in length to the natives who eat it in its raw state.

Trusting the foregoing will be of interest to those seeking information on the subject from you.

I have, &c,
(signed) C. P. Lincoln.
U. S. Consul.

Mr. Adee
Mr. Benedict

No. 73.

No. 143. One Enclosure.

Legation of the United States.
Peking. June 3rd/4, 1879.

DEPARTMENT OF STATE
AUG
11
1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Passport returns for 1878.

Synopsis.

Mr. Holcombe forwards a detailed statement of the passports issued from this Legation during the year 1878.

No. 143. One Enclosure.

Legation of the United States.
Peking, June 3rd, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

In obedience to instructions, I now have the honour to hand to you, herewith, a detailed statement of the passports issued from this Legation during the year 1878. 1/143.

The fees received for these passports will be credited to the Government in my salary account for the current quarter.

I have the honour to be,
Sir,
Your

Your obedient servant
Chester Holcombe

Enclosure.

1. Detailed list of passports issued during the year 1878.

Despatch No. 143.
Enclosure.

Passport returns.
January 1st. 1878
to December 31st. 1878.

Peking June 3. No 143

Passports issued at the United States

No	Name	Date 1878	State or Country	Age	Height
222✓	G. H. Wheeler	Feb. 9	Mass.	47	
223✓	Nathan Sites	" 15	not given	47	5-11
224✓	Franklin Ohlinger	" 15	" "	32	5-7.
226✓	Jasper S. McIlvain	May 25	Trenton N.J.	34	5. ½
227✓	Joseph E. Walker	Oct. 21	not given	34	5-10
228✓	Josiah B. Blakley	" 21	" "	33	5-7
229✓	Henry F. Whitney	" 21	" "	39	5-7
230✓	John Davis Weld	" 28	Boston	28	5-7
231✓	Stephen L. Baldwin	" 30	not given	43	5-8
232✓	Nathan Plumbe	" 30	" "	35	5-7
233✓	David W. Chandler	" 30	" "	27	5-8½
234✓	Alex. Fuller	Nov. 15	" "	35	5-7
235✓	John Thorne	Feb. 13	" "	—	—
237✓	William Scott Ament	July 6	Michigan	26	5-9
238✓	J. Fisher Crossette	Aug. 20	not given	34	5-10
239✓	John Murray		" "	—	—
249✓	Mary E. Thompson	Dec. 12	" "	31	5-7½

Legation of the United States,
Peking, June 3rd, 1879.

[illegible] 143.

Legation during the year 1878.

Eyes	Nose	Hair	Face	Complexion
blue	face	brown		Light
"	"	"		Dark
"	ordinary	dark		Brown
"	straight	brown		Light
"	"	sandy		"
dark	"	brown		Dark
blue	high	sandy		Light
black	face	black		Dark
grey	—	brown		Light
hazel	—	black		Fair
grey	—	"		Dark
—	—	—	—	—
"	large	light	oval	fair
hazel	common	brown	"	"
—	—	—	—	—
grey	square	black		Dark

E. & O. E.

Chester Holcombe

Chargé d'Affaires

File

McAdee

No. 144.

Legation of the United States.
Peking, June 6th. 1879.

DEPARTMENT OF STATE
AUG 11 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions, numbers 291. 292. 293. 294. and 295. have been received.

No. 144.

Legation of the United States.
Peking, June 6th 1879

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your instructions, numbered respectively, 291. 292. 293. 294. and 295.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Copy to Treasury, with original accounts. Aug. 15. Mr Peck.

Ack and refer to Treasury Dept with request for its views C. P.

Mr Adee

Copied, Aug 15. Enc. will be sent with letter to Treasy. Peck.

No. 145. One Enclosure.

Legation of the United States
Peking. June 7th, 1879.

AUG 11 1879 RECEIVED

Chester Holcombe to the Secretary of State

Subject.

Salary account for quarter ended March 31st, 1879.

Synopsis.

Forwards the above named account. Calls attention to the depreciation of the Mexican dollar, and asks permission to readjust his accounts for the past eighteen months.

No. 145. One Enclosure.

Legation of the United States.

Peking, June 7th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honour to hand to you, herewith, a statement of my salary account for the quarter ended March 31st last, accompanied by the usual voucher. A duplicate statement will be forwarded by the following mail. 1/145.

In connection with this account, I beg leave to call your attention to that clause of the personal instructions to diplomatic agents which requires that "all loss or

"gain on such drafts must be
"accounted for to the Fifth Auditor
"of the Treasury" etc. and to ask
for such instruction in the
present case as you may see fit
to give.

Of necessity all drafts
drawn at this Legation are sold
at Shanghai, and payment for
them is received in Mexican
dollars. But these coins, in
common with all silver have
seriously depreciated in market
value during the past three years
here as elsewhere, and are now
at a discount of nearly or quite
10% as compared with gold.
This will serve to account for the
extraordinarily large "gain by
exchange

"exchange" reported in all the recent statements of account sent from this Legation to the Department. Thus, by way of illustration, the account sent herewith gives an apparent gain by exchange of \$183.^{03} on a draft of \$1250.

But from the total proceeds of the draft — \$1433.^{03} — ten per cent — say \$143.^{30} — should, in my opinion be subtracted for the depreciation of Mexican dollars below gold. This would leave the actual gain by exchange at \$39.^{73} which should be accounted for.

Years ago it was, I believe, the practice of the Secretary of the Treasury to issue an annual statement of the rate of exchange to be followed in reducing accounts from a Mexican dollar to a gold standard. But this practice has probably been discontinued, as no such statement has been received for several years. And if I am required to receive Mexican dollars as equivalent to gold, it will result in a practical reduction of my salary to the extent of not less than $500. per annum.

I have therefore the honor to request your permission to readjust my statements of account for the past 18 months by reducing the gross proceeds of each draft by, say, 10% in order to get at the true gold equivalent for the sums received in Mexicans.

Pending the receipt of your instruction in the premises, I shall not credit the Government with the accumulated sum apparently due to it for "gain by exchange."

I have the honor to be,
Sir,
Your obedient servant,
Chester Holcombe

Enclosure.

1. Statement of salary account for the quarter ended March 31st, 1879.

Trade
Col. Morgan

No. 146. **One Enclosure.**

Legation of the United States.
Peking, June 7th. 1879.

DEPARTMENT OF STATE
AUG 11 1879
RECEIVED

Chester Holcombe to
the Secretary of State

Subject.

Cost of telegram of December 26th, 1878.

Synopsis.

In accordance with Department instruction number 289, Mr. Holcombe has drawn upon the Secretary of State for the cost of the telegram named above.

Bureau of Accounts

No. 146. One Enclosure.

Legation of the United States.
Peking, June 7th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

In accordance with the permission granted in your instruction, number 289., I have drawn upon you in the usual course for $60.84 U. S. gold coin, for the cost of my telegram of December 26th, 1878.

I have the honour to enclose a statement of the account, with the proper voucher. 1/146.

I have the honour to be,
Sir,
Your

Your obedient servant
Chester Holcombe

Enclosure.

1. Statement of cost of telegram sent December 26th, 1878.

Ack + refer to Mr. O'Connor

Mr Adee

Nº. 147. One Enclosure.

AUG 11 1879 RECEIVED

Legation of the United States.
Peking, June 9th, 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Commutation of tonnage dues sought at Amoy.

Synopsis.

At the request of the Hongkong Agents of the Pacific Mail Steamship Company, Mr. Holcombe requested the Chinese Government to grant a certain concession in the payment of tonnage dues at Amoy.

Request refused for reasons stated. Correspondence with Prince Kung enclosed.

No. 147. One Enclosure.

Legation of the United States
Peking, June 9th, 1879.

Honorable William M. Evarts,
Secretary of State.

Sir:—

In the summer of 1878, Messrs. Russell & Company as the agents of the Pacific Mail & Steamship Company at Hongkong, applied to this Legation to secure from the Chinese Government a certain concession in the payment of tonnage dues upon the steamships of the line named above, in case those vessels should call at Amoy.

The concession sought

was the same as has been granted to the vessels of the English and French Mail lines, sailing from Shanghai, and was, substantially, that, instead of paying tonnage dues upon each vessel upon entering port, the dues should be paid as many times in each four months as there were vessels of the line cleared from the port in each month.

I brought the request of Messrs. Russell & Company to the notice of the Foreign Office without delay, and after waiting many months, I have received an answer. The concession sought is refused, upon the ground that the Pacific Mail Steamship Company is not under contract with the Government of the United States, and that, although their vessels do carry the mails, they have no dates of arrival and departure absolutely fixed, and hence do not come in the same category with the steamships of the English and French Mail lines.

I have informed Messrs. Russell & Company of the failure of my application.

I have the honor to submit herewith, copies of the correspondence had with Prince Kung upon the subject, and to ask your approval of my action. 1/147

I

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosure.

1. Mr. Holcombe to Prince Kung
68/1878. November 8th, 1878.
Prince Kung to Mr. Holcombe
69/1878. November 12th, 1878.
Mr. Holcombe to Prince Kung
70/1878. November 13th, 1878.
Prince Kung to Mr. Holcombe
74/1878 November 23rd, 1878.
Prince Kung to Mr. Holcombe
10/1879 April 6th, 1879.

Despatch No. 147.
Inclosure. 1

68/1878

Mr. Holcombe to Prince Kung.

November 8th, 1878.

Sir:—

The Hongkong Agents of the Pacific Mail Steamship Company, an American line of monthly steamers plying between China and San Francisco, carrying passengers and freight and the United States mails, have informed me that it is the intention of the Company to have their vessels call at the port of Amoy, in case satisfactory arrangements concerning the payment of Tonnage Dues can be effected, and have requested me to address Y. I. H. on the subject. They inform me that an arrangement exists at Shanghai by which the English and French Mail lines, thence to Europe, pay Tonnage Dues as many times in each four months, as they have departures per month. That is, as they despatch each 2 steamers per month they pay Tonnage Dues twice each four months. Under a similar rule, the Pacific Mail Steamship Company, which would despatch one steamer per month from Amoy, would pay Tonnage Dues once in each four months, which is the arrangement which they desire me to effect with Y. I. H.

I beg leave to submit the matter to Y. I. H. with the earnest hope that you may be able to assent to the plan of Tonnage Dues payments as suggested. The Steamers of this line are very large, some of them measuring more than 5000 tons, and I doubt not that the interests of commerce and of the people of both nations will be promoted by the establishment of such facilities as will allow the steamships of the line named to call regularly at Amoy.

I have, etc,
(signed) Chester Holcombe.

69/1848

Prince Kung, Chief Secretary of State for foreign affairs herewith makes a communication in reply.

I have had the honor to receive your despatch of the 8th instant, setting forth that the Pacific Mail Steamship Company, an American line of Steamers carrying passengers and freight between Hong-Kong and San Francisco, and despatching one steamer each month from each port, desires in future that their vessels should call at Amoy to receive and discharge passengers and cargo, and that this Company desires to pay Tonnage Dues once in each four months, to which proposition you invite my attention, etc, etc,

In reply I beg to observe that your despatch, while stating that this Company despatches steamers from HongKong to San Franciscos does not state plainly to what port the vessels of the line would proceed from Amoy. I must also ask first to be informed whether the phrase "carrying freight and passengers" is used only with reference to cargo, or whether it also applies to individuals.

I have instructed the subordinate officers concerned to make a report upon the proposal, and send this preliminary reply for your consideration.

Chester Holcombe, Esquire,
&c. &c. &c. &c.

Peking, November 12th, 1878.

70/1878 Mr. Holcombe to Prince Kung.

November 13th, 1878.

Sir:—

I have had the honor to receive Y. I. H. despatch of yesterday in regard to the proposal of the Pacific Mail Steamship Company to cause their vessels to call at Amoy, in case satisfactory arrangements in regard to the payment of Tonnage Dues can be effected.

I regret exceedingly that my first despatch to Y. I. H. upon this business was not sufficiently explicit. The steamers of this company have been running for the past 15 years between Hongkong and San Francisco. It is now proposed that each steamer, on leaving Hongkong shall proceed to Amoy, and sail thence to San Francisco, and that each steamer from San Francisco shall proceed first to Amoy and go thence to Hong-Kong.

The expression "carrying passengers and freight," refers both to cargo and individuals. The steamers would at Amoy receive on board such cargo and such passengers as might be offered, subject only to the laws of the United States, and the capacity of the ship.

I trust that this explanation will prove satisfactory to Y. I. H. and that you will see your way clear to assent to the proposition made by the Company concerned in regard to the payment of Tonnage Dues.

I have, &c.,
(Signed) Chester Holcombe

74/1878. Prince Kung, Chief Secretary of State for Foreign Affairs herewith makes a communication in reply.

I have had the honor to receive your communication submitting a proposal, made by the Pacific Mail Steamship Company, that their steamships stop at Amoy, provided a commutation of the Tonnage Dues can be secured. Upon the Company's proposition you remark that their steamships have been plying between San Francisco and Hong-Kong for nearly fifteen years, and that they now propose that each steamship from HongKong shall proceed to Amoy where she will receive and land passengers and freight, and go thence to San Francisco; that each steamer from San Francisco will proceed first to Amoy where she will receive and land passengers and freight, and sail thence to HongKong.

You remark further that the phrase "carrying passengers and freight," refers both to cargo and individuals, the steamers at Amoy receiving on board such cargo and such passengers as might be offered, subject only to the laws of the United States, and the capacity of the ship. And you express the hope that I may see my way clear to assent to the proposition made by the Company concerned, as to the payment of Tonnage Dues, etc, etc.

I understood from your former despatch that the Pacific Mail Steamship Company proposed to have their vessels call at Amoy to receive and land passengers and cargo, and desired to be allowed to pay Tonnage Dues once in each four months. Upon receipt of that despatch, I addressed the Southern Superintendent of Foreign Trade, the Provincial Authorities of Fukien, and the Inspector General of Customs, calling for their opinions upon the subject.

Having received your second despatch, it becomes necessary to transmit a copy of it to the several Authorities named above, and to await their suggestions as to the course proper to be taken, when I shall again have the honor of addressing you in the business.

Chester Holcombe Esquire,
&c &c &c &c.

Peking, November 23rd, 1868.

10/1879. Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Upon the 8th November, 1878, I had the honor to receive a despatch from you stating that the HongKong Agents of the Pacific Mail Steamship Company, an American line of steamers making monthly trips between HongKong and San Francisco, carrying the United States Mails, and cargo and passengers, proposed to have the vessels of the line to call at Amoy to land and receive passengers and cargo in case satisfactory arrangements for the payment of the Tonnage Dues can be made. They stated that the steamers of the English and French Mail lines sailing from Shanghai pay Tonnage Dues as many times in each four months, as they have departures per month. That is, as they each despatch two steamers per mensem from Shanghai, they pay Tonnage Dues twice each four months.

The Pacific Mail Steamship Company proposes to despatch one steamer each month from Amoy, and desires to pay Tonnage Dues once in each four months. You added that if I could give assent to this proposition, and so allow the vessels of this line to touch at Amoy, the interests of commerce and of the people of both countries would doubtless be promoted, etc. etc.

I at once referred the question to the Southern Superintendent of Foreign Trade, the High Provincial Authorities of Chekiang and Foukien Provinces, and the Inspector General of Customs for a report, as I at the moment informed you.

Upon the 13th of November 1878, I received a further despatch from you in the matter of the proposal of the Pacific Mail Steamship Company to cause their vessels to call at Amoy, in case satisfactory arrangements for the commutation of the Tonnage Dues can be made.

In this despatch you said that

the steamers of this line have been running some 15 years between San Francisco and HongKong, and it is now proposed that each steamer on leaving HongKong shall proceed to Amoy and sail thence to San Francisco, and that each steamer from San Francisco shall proceed first to Amoy, and go thence to HongKong. You added that the expression "carrying passengers and freight", referred both to cargo and individuals. The steamers would at Amoy receive on board such passengers and such cargo as might be offered, subject only to the laws of the United States, and the capacity of the ship. And you added again your hope that the proposition of the Company in regard to the payment of Tonnage Dues might be accepted.

I forwarded copies of your second despatch to the several officials named above, and informed you that when I had received their responses as to the proper course to be taken in the premises, I would address you.

Upon the 29th of November, I received the report of the Inspector General of Customs, in which he informed me that the commutation of the Tonnage Dues to the English and French mail steamship lines at Shanghai was upon the following basis: Each line despatches a steamer once in 14 days, or say 2 each month, and that each pays Tonnage Dues twice each (4) four months. This is in accordance with the eleven Tonnage Dues Regulations, established January 2nd 1871, The sixth rule recites that: "In the case of Companies which "carry the public mails between foreign "countries and China, established and "subsidized by Government, whose steam "vessels enter and depart regularly, and "which have dates and number of times "of departure with mails fixed by contract, "the four months certificate issued will "be — not for the individual vessel — "named so and so — but for whatever "steamer may carry the mail. The payment "of Tonnage Dues once will thus clear

"the Company from liability for four months
"in respect of such steamers, the property
"of the Company, as carry the mails
"that accord with those carried by the
"vessels which originally paid Tonnage
"Dues (i.e. for monthly mails there
"will be one payment; for bi-monthly
"mails, two payments; for weekly mails,
"four payments, each four months, and
"so on). Other steamers, the property of
"such companies, entering port, but not
"intended to depart, or not departing with
"the regular mail, aforesaid, are not
"covered by this special regulation, but
"each vessel must pay Tonnage Dues upon
"entering the port, etc, etc.

It appears that the vessels of the two Companies named above, depart and arrive twice each month, with the public mails, under contract with their Governments, and that the days of arrival and departure are rigidly fixed, no matter whether they are full of passengers and cargo or not. And hence, for a number of years, the Shanghai

Customs have collected Tonnage Dues from each twice in four months, in conformity with the Regulation quoted above.

But the vessels of the Pacific Mail Steamship Company sailing from Hongkong, although carrying the public mails, have no contract with their own Government. And in their proposed entry to the port of Amoy, to receive and land passengers and cargo, they would have no fixed days of arrival and departure. And there is no Treaty provision which requires that a four months Tonnage Dues certificate be given to the vessels of this Company, on clearing from Amoy for San Francisco.

And I am now in receipt of reports from the Southern Superintendent of Foreign Trade, and the High Provincial Authorities of Chekiang and Fukien, which agree with the opinion of the Inspector General, as given above.

It appears then that the English and French Mail steamers are under a contract with their Governments, by which each despatches a steamer every 14 days, the dates being fixed, and hence, according to regulation, Tonnage Dues are levied once each four months. The Pacific Mail Steamship Company has no contract with your Government, and although carrying the United States mails, they have no fixed dates for despatching their ships. The circumstances differing thus from those of the English and French mail-lines, they cannot be dealt with in the same manner.

Having received the reports of the Authorities named above, it becomes my duty to make you this reply.

Chester Holcombe, Esquire,
etc. etc. etc. etc

Peking, April 5th, 1879.

Filed in accordance with the directions of Judge O'Connor attached hereto. Aug 26. 79

Ack + refer to Mr. Oconnor

Mr Adee

No. 148. One Enclosure.

Legation of the United States.
Peking, June 10th, 1879.

DEPARTMENT OF STATE
AUG 11 1879
RECEIVED

Chester Holcombe to
the Secretary of State

Subject.

Tonnage dues rules adopted January 2nd, 1871.

Synopsis.

Mr. Holcombe refers to his despatch number 148, in which these rules are referred to, and being unable to learn that the rules in question have been sent to the Department, encloses a translation of them herewith

No. 148. One Enclosure.

Legation of the United States.
Peking June 10th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

In my despatch, number 147, I had the honor to hand to you copies of a correspondence which had passed between Prince Kung and myself in connection with a request made by the Hongkong Agents of the Pacific Mail Steamship Company for certain concessions in the payment of tonnage dues, in case their vessels should call at Amoy.

In the final answer of the Prince, you will have noticed that he refers to and quotes from "Eleven Tonnage Dues Regulations" established January 2$\frac{\text{3rd}}{\text{4}}$, 1871. (See despatch number 147. & enclosure, page 14.)

It does not appear from the records of this Legation that the Tonnage Regulations in question were ever approved by Minister Low, then in charge, or that they were communicated to the Department of State. As they are important, I have the honor
1/148. to enclose, herewith, a translation of them for your consideration.

I have the honor to be,

Sir,

Your obedient servant,
Chester Holcombe

Enclosure.

1. Eleven Tonnage Dues Regulations, promulgated January 2nd, 1871.

Despatch No. 148.
Inclosure.

Rules of the Chinese Maritime Customs Tonnage Dues Regulations

1.— Rates Payable as Tonnage Dues.

Merchant vessels of more than 150 tons burthen shall be charged tonnage dues at the rate of four mace per ton; if of 150 tons and under they shall be charged at the rate of one mace per ton. The scale according to which conversion into tons, English measurement, is effected, is that instituted at Galatz in 1865 for vessels navigating the Danube. It is as follows;

Nationality of vessel	Factor by which the measurement of every country has to be multiplied		Remarks.
	Tons	Burthens	
Austrian	0. 82	——	
French	1. –	——	
Italian	0. 89	——	1 ton English equals 61.58 Constantinopolitan Kilometres
Turkish	——	——	
Prussian		1. 50	
Russian	1. 08	1. 89	

United States

United States	1.–	——	
Belgian	0.95	1.81	
Bremen	——	1.89	
Danish	1.02	1.96	
Spanish	1.–	——	
Greek	0.76	——	
Hamburg	——	2.25	
Hanoverian	0.98	2.25	
Dutch	0.89	1.75	
Lubeck	——	1.89	
Mecklenberg	1.09	2.44	
Norwegian	0.98	2.08	
Oldenberg	——	1.50	
The United Principalities	1–	——	One ton English 4.82 Galatz Kilometres 3.01 Braila.
Sweedish	1.02	1.98	

2. When Tonnage Dues are incurred.

Masters of merchant vessels may, within 48 hours after arrival, but not later, decide to depart without breaking bulk: in which case due notice having been given to the Customs, they will not be subject to pay tonnage dues. But tonnage dues shall be held due after the expiration of the said 48 hours, or on application to break bulk, whichever first happens.

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3. — Ports which may be traded with under the four months Certificate

Any vessel clearing from any of the open ports of China for any other of the open ports, or for Hongkong, Manila, Saïgon, Japan, or Russian ports south of the Amoor, shall be entitled, on application of the master, to a special certificate from the Customs, on exhibiting which she shall be exempted from all further payment of tonnage dues in any open port of China for a period of four calendar months, to be reckoned from the date of her port clearance.

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4. To what vessels Custom's Four month's Certificates are given.

Four months tonnage exemption certificates, irrespective of the place or port cleared for, are granted to vessels which apply to the Customs for measurement and pay tonnage dues accordingly. The certificate of measurement thus issued is to be presented whenever tonnage dues are again leviable. This Regulation is experimental and open to revision.

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5. — When vessels carrying duty-free goods or passengers are liable for Tonnage Dues.

No tonnage dues shall be leviable on boats employed in the conveyance of passengers, baggage, letters, articles of provision, or other articles not subject to duty, in or between any of the open ports of China. All cargo boats, however, or boats conveying merchandise subject to duty, shall pay tonnage dues once in four months, at the rate of one mace per ton if under, and four mace per ton if over 150 tons burthen. Vessels entering port to land passengers, if from ports other than the open ports of China, are liable to tonnage dues; and vessels plying under four month's certificates, if ordinarily engaged in the transport of dutiable merchandise, will not be exempt from tonnage dues, should they enter port to land passengers only, at the time of expiration of certificate.

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6. – Tonnage dues payable by Government Mail Steamers.

In the case of Companies which carry the public mails between foreign countries and China, established and subsidized by Government, whose steam vessels enter and depart regularly, and which have dates and number of times of departure with mails fixed by contract, the four month's certificate issued will be – not for the individual vessel named so and so – but, for whatever steamer may carry the mail. The payment of tonnage dues once will thus clear the Company from liability for four months in respect of such steamers, the property of the Company, as carry the mails that accord with those carried by the vessels which originally paid tonnage dues (i.e. for monthly mails there will be one payment; for bi-monthly mails two payments; for weekly mails four payments, every four months, and so on.) Other steamers, the property of such companies, entering port but not intending to depart, or not departing with the regular mail aforesaid, are not covered by this special Regulation, but must pay tonnage dues like all other trading vessels, on the expiration of 48 hours from the time of arrival. This Regulation is experimental and open to revision

7. Liability of vessels entering Port for shelter.

In the case of vessels entering port for shelter, the Consul concerned will report them to the Customs as therefor arrived, and will exhibit the clearance issued at the port of departure.

Such vessels will be required to observe all the rules and regulations of the port, and will have to anchor in berths assigned by the Customs, so as not to be in the way of others actually engaged in trade; tidewaiters will be placed on board to keep watch as usual.

When the vessel is from a foreign port she will be entitled to depart without payment of tonnage dues; when from a coast-port, and provided with a four month's certificate, the days spent for shelter in port are not to be reckoned in calculating the ships liability for tonnage dues, but they shall be deducted in a note made on the certificate by the Customs when the vessel leaves the port.

Excepting those which must temporarily discharge cargo to undergo repairs, vessels arriving for shelter must neither load nor discharge; if arrived in ballast they must depart in ballast; if laden, they must take away the original cargo. Any vessel which, after having been reported in this manner by the Consul, ships or discharges cargo, will be liable for tonnage dues; but those which hold the special certificate will be dealt with according to the number of days spent as reported.

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8. Liability of steamers short of fuel entering to coal.

Steamers en route to another port, if forced to enter any port to coal, will be treated as arriving for shelter; and if they neither land passengers, nor ship or discharge cargo, will be exempt from tonnage dues, although coaling to prosecute their voyage.

The tonnage allowed in the vessel's register for propelling space is to be exempt from tonnage dues.

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9. Liability of Chinese Junks chartered by foreign merchants.

Chinese junks chartered by foreign merchants are required to pay port dues according to the Chinese tariff, if trading on the Yangtsze; and tonnage dues every four months if trading between ports on the sea-board, at the rate of one mace if under, and four mace if over, 150 tons burthen.

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10. Liability of Steam Tugs.

Steam-tugs pay tonnage dues every four months according to tonnage.

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11. Liability of Pilot Boats.

11 — Liability of Pilot Boats.

Pilot boats are exempted from payment of tonnage dues by the Chinese Pilot Regulations.

Mr Adee
Col. Morgan

No. 149. One Enclosure.

Legation of the United States.
Peking, June 10th, 1879.

DEPARTMENT OF STATE
AUG 11 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Legation rent account.

Synopsis.

Mr. Holcombe forwards a statement of the rent account of the Legation for the quarter ended March 31st, 1879.

No. 149. One Enclosure.

Legation of the United States.
Peking, June 10th. 1879.

Honorable William M. Evarts.
Secretary of State;

Sir:—

I have the honour to hand to you, herewith, a statement of the rent account of this Legation for the quarter ended March 31st last. 1/149.

You will notice that the voucher forwarded with the account differs somewhat in form, from those sent hitherto. This is due to the fact that the failure of Messrs. Oliphant and Company, through whom the drafts, at Mr. Williams request, have been negotiated, left at the moment no one in Shanghai, to whom the draft could be paid.

Arrangements have since been made by Mr. Williams, under which vouchers in the usual form will be furnished in future.

I have the honour to be,
Sir,
Your obedient servant,
Chester Holcombe

Enclosure.

1. Statement of the Legation rent account for the quarter ended March 31st. 1879.

Mr Adee
Col. Morgan

No. 150. One Enclosure.

Legation of the United States.
Peking, June 10th, 1879.

DEPARTMENT OF STATE
AUG 11 1879
RECEIVED

Chester Holcombe to
the Secretary of State.

Subject.

Statement of salary account.

Synopsis

Mr. Holcombe refers to his despatch, number 145. and encloses a duplicate statement of his salary account, for the quarter ended March 31st, 1879.

No. 150. One Enclosure.

Legation of the United States.
Peking, June 10th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Recurring to my despatch, number 145, I now have the honor to hand to you, herewith, a duplicate statement of the salary account which it contained. 1/150.

I have the honor to be,
Sir,
Your obedient servant,
Chester Holcombe

Enclosure

Enclosure.

1. Duplicate statement of salary account for the quarter ended March 31st. 1879.

Ack

Mr. Elrood

No. 439.

DEPARTMENT OF STATE
SEP
1
1879
RECEIVED

Legation of the United States.
Peking, June 23rd, 1879.

George F. Seward to
the Secretary of State.

Subject.

Arrival in Peking.

Synopsis.

Mr. Seward arrived at the Capital upon the 19th instant. As the Prince is absent upon a short leave, a delay of a few days will arise, before the ceremonial calls can be made.

No. 439.

Legation of the United States.
Peking, June 23rd 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to inform you that I arrived in this city on the 19th instant.

On the 20th, Mr. Holcombe went to the Foreign Office to report my arrival, and to say that I would call so soon as the Prince and Ministers could find it convenient to receive me.

I have since received a note from the Ministers saying that the Prince is on leave for

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a few days, but naming an hour today to receive me & themselves. I do not think it well to accept this invitation, and I shall send Mr. Holcombe to say that, as I desire to pay my respects to the Prince in person, I will wait until his leave is over before calling.

It is not usual here to enter upon the transaction of business until matters of & ceremony have been carefully disposed of. I think that the delay will not extend, in this instance, beyond ten days or a fortnight.

I have the honor to be,
Sir, Your obedient servant,
George F. Seward.

M Blood

No. 440.

Legation of the United States.
Peking, June 23rd, 1879.

DEPARTMENT OF STATE
SEP 1 1879
RECEIVED

George F. Seward to the Secretary of State.

Subject

General Grant's visit to Peking and Tientsin.

Synopsis.

Mr. Seward awaited General Grant's return from Peking at Tientsin. For reasons stated does not report conversations had by General Grant with Chinese officials upon certain questions. General Grant everywhere well received by the Chinese.

No. 440.

Legation of the United States.
Peking, June 23rd, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I had the honour to advise you from Tientsin of my arrival in that city, and that I was detained there in order to see General Grant on his return from the Capital.

Upon the General's return I had the opportunity to speak with him freely, and he gave me at length the details of conversations which he had held with the Foreign Office here, and the Viceroy at Tientsin, in regard more particularly to the Loochoo Islands question, and the emigration of Chinese to the United States.

As the conversations of General Grant referred to, and his declarations to myself in this connection were entirely unofficial in their nature, and as they preceded my assumption of duty, I shall make no attempt to report them to you.

I need not say that the General made an excellent impression throughout China, and that he was in all respects well treated by this Government. His visit will prove, I think, of much advantage to our relations with China.

I accompanied the General to the "Richmond" on his departure. That vessel was at anchor outside the bar at Taku. One of the Imperial corvettes was placed at my disposal for the purpose, and the Viceroy at Tientsin went out in another.

I have the honour to be,
Sir,
Your obedient servant.
George F. Seward.

✓

Ackd &c.

File

Mr Alow

No. 441.

Legation of the United States.
Peking, June 24th. 1879.

DEPARTMENT OF STATE
SEP 1 1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Consul at Tientsin asks leave of absence.

Synopsis.

In response to Mr. Denny's request, Mr. Seward has informed him that he has no objections, but that his request should be made through the Consul General.

No. 441.

Legation of the United States.
Peking, June 24th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Mr. Denny, our Consul at Tientsin, having stated to me that he desired a months leave, I have answered him that I have no objections to offer, but advised him that, under existing rules, his application should have been made to me through the Consul General.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward.

Mr Hood

No. 442.

Legation of the United States.
Peking, June 25th. 1879.

DEPARTMENT OF STATE
SEP 4 1879
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

The instructions of the Department, numbered 296 to 302 inclusive, have been received.

File

Mr Blood

No. 442.

Legation of the United States.
Peking, June 25th. 1879.

DEPARTMENT OF STATE
SEP 1 1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

The instructions of the Department, numbered 296 to 362 inclusive, have been received.

No. 442.

Legation of the United States.
Peking, June 25th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have had the honour to receive your instructions, numbered respectively, 296, 297. 298. 299. 300, 301, and 302.

I have the honour to be,
Sir,
Your obedient servant.
George F. Seward.

Ack JH Mr Blood
File

No. 443.

Legation of the United States.
Peking, June 26th, 1879.

DEPARTMENT OF STATE
SEP 1 1879
RECEIVED

FOREIGN Relations 79

George F. Seward to the Secretary of State.

Subject.

Transit passes for Sz Chuen produce.

Synopsis.

Refers to Mr. Holcombe's several despatches upon this subject, and informs the Department that the action reported in his number 138. of March 12th, resulted in the release of the merchandise in question.

No. 443.

Legation of the United States.
Peking, June 26th 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

In reference to Mr. Holcombe's several despatches reporting the refusal of the tax officers at Kwei Chow to respect certain transit passes for Sz Chuen produce taken out by Mr. M. A. Jenkins, and stating the line of action taken by him in the premises, I have the honor to inform you that Mr. Holcombe's proceeding as reported to you in his despatch, number 133. of March 12

12th last, resulted in the release of the merchandise in question without further objection on the part of the local authorities.

I have the honour to be,

Sir,

Your obedient servant.

George F. Seward.

No. 444.

Legation of the United States.

DEPARTMENT OF STATE
SEP 1 1879
RECEIVED

Peking, June 27th, 1879.

George F. Seward to
the Secretary of State.

Subject.

"Ward" and "Keorgeor" claims.

Synopsis.

Mr. Seward acknowledges the receipt of Department Instruction, number 297. His first effort will be to secure payment of the principal and interest in the "Ward" claims, and the principal in Mr. Hill's claim.

No. 444.

Legation of the United States.
Peking, June 27th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have had the honor to receive your despatch, number 297, in regard to the "Ward" and "Keorfeor" claims.

I thank you for the discretionary authority accorded to me, which, as I understand it, relates not only to the time of presenting these matters to the Foreign Office, but also, in a measure, to the manner of their presentation. I doubt much whether the moment will soon come when I can urge the demand for interest in Mr. Hill's claim, with any chance of success, but I have by no means abandoned hope of securing the full amount of the principal sum. It is to realize this amount, and, in the case of the "Ward" claims, both principal and interest, that I shall devote my first efforts.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

Ack, Ao 26

M Blood

No. 445. Three Enclosures.

Legation of the United States.
Peking, July 1st, 1879.

DEPARTMENT OF STATE
SEP 1 1879
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Renewal of lease for Legation premises.

Synopsis.

Upon receipt of Department instruction number 298, Mr. Holcombe, as agent for Mr. Williams was notified of the desire of the Government to renew the lease for a further period of four years. This notice was accepted, and thereafter Mr. Seward executed with Mr. Holcombe

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a new lease for the four years from July 1st, 1879, to June 30th, 1883. Copies of correspondence and of the new lease are enclosed herewith.

No. 445. Three Enclosures.

Legation of the United States.
Peking, July 1st, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I had the honor to receive your instruction, number 298., on the 25th ultimo. I at once addressed to Mr. Chester Holcombe, who is Mr. Williams' agent, a letter advising him that you had decided to renew the lease of the Legation premises for a further period of four years. A copy 1/445 of my letter, and of Mr. Holcombe's 2/445 response, is enclosed herewith.

I transmit to you,

3/445. also, one copy, or part, of a new lease which I have this day executed with him, as Mr. Williams agent. Three other copies will be sent to Mr. Williams with the request that he will endorse or countersign each copy, in conformation of Mr. Holcombe's act, and transmit them to yourself.

I have signed the several copies as directed by you. In the earlier instance, Mr. Fish preferred to sign the lease himself, and I mention the fact that you may decide whether it is desirable to countersign the present lease, or to execute a new one, directly with Mr. Williams.

As the privilege of renewal was provided for in the previous lease, it may be held, perhaps, that the notice of renewal given and accepted, as shown in the letters which have passed between myself and Mr. Holcombe, works a practical continuance of the old lease for the further period mentioned in the letters.

I have the honour to be,
Sir,
Your obedient servant.
George F. Seward.

Enclosures.

1. Mr. Seward to Mr. Holcombe June 25th. 1879.
2. Mr. Holcombe in response June 25th. 1879
3. Form of new lease.

Dispatch No. 445
Inclosure 1.

Peking, June 25th 1879.

Chester Holcombe, Esquire,
Agent and Attorney
for Dr. S. Wells Williams.
Peking.

My dear Sir:—

I am directed by the Honorable William M. Evarts, Secretary of State, in a letter dated May 1st, 1879. No 298, to renew for a further term of four years the lease of the Legation premises which privilege is reserved to the Government by the fourth Article of the existing lease.

Please be so good as to acknowledge the receipt of this letter in writing and to state that as Agent of the owner of the property you accept the notice. At a later moment in accordance with the Secretary's instruction, I shall present to you for signature a new lease identical in terms with the old one, saving appropriate alterations of dates, etc.

I am, &c.
signed George F. Seward
U. S. Minister.

A true copy.
Chester Holcombe.

Despatch No. 445
Inclosure 2.

Peking, June 25th, 1879.

Honorable George F. Seward,
&c. &c &c &c
Peking.

Sir:—

I have had the honor to receive your letter of this date, in which, by virtue of an instruction which you have received from the Honorable Secretary of State, you give me notice that it is your intention to renew for a further term of four years the lease of the premises owned by Dr. S. Wells Williams, and now occupied by the Legation of the United States in this city, in accordance with the terms of the fourth Article of the existing lease.

I accept this notice and am prepared to bind my principal accordingly.

Yours, &c,

(signed) Chester Holcombe
Agent & Attorney for
S. Wells Williams

A true copy.
Chester Holcombe

Despatch No. 445.
Inclosure 3.

Whereas the Government of the United States, by an Act of Congress approved March 3rd, 1875 (Chapter 130 & 131, United States Statutes at Large, 1874-75), authorized the Secretary of State to rent, keep, and furnish suitable buildings, with grounds appurtenant, at Peking, for the use of the legation in China, which said Act is in the following words, to wit:

That the Secretary of State be, and he is hereby, authorized to rent, furnish, and keep suitable buildings with grounds appurtenant, at Peking, for the use of the legation in China, at an annual cost not exceeding five thousand dollars; that the period of such lease shall be for two or more years, and with renewals, as the Secretary of State shall determine; — and that the sum of five thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, therefor.

And whereas the Secretary of State

for the time being, to wit the Honorable Hamilton Fish in pursuance of the said Act did on the 21st day of October A. D. 1876 execute a lease for certain buildings and grounds therein described with Dr. S. Wells Williams the owner thereof.

And whereas the Secretary of State for the time being, to wit the Honorable William M. Evarts in pursuance of the said Act has authorized and directed George F. Seward Esquire, Minister at Peking, to make a new lease of the said buildings and grounds for a further period of four years.

Now therefore this instrument made and executed by and between S. Wells Williams Esquire L.L.D. party of the first part and the United States by Honorable William M. Evarts, Secretary of State, party of the second part, witnesseth;

1st That the said S. Wells Williams, party of the first part, has hereby let and rented to the party of the second part, for the use of the Legation of the United States at Peking, the grounds and buildings now occupied by the said Legation, and more particularly described and delineated in a despatch addressed by the late Benjamin P. Avery Esquire, when minister of the United States at Peking, to the Secretary of State, dated at Peking, August 10th 1875, and numbered 86; and the party of the second part has hereby leased and taken from the party of the first part the said grounds and buildings, upon terms and conditions hereinafter named, as follows;

2nd That this lease shall begin this first day of July A. D. 1879, and shall run for four years ending on the 30th day of June 1883.

3rd That the sum to be paid to the party of the first part as rental of the said property shall be Three Thousand Mexican Dollars a year, payable quarterly at the expiration of each and every quarter at Peking, and that any loss or gain by exchange shall be made a matter of account, and settled in such manner as the party of the second part shall direct.

4th That the party of the second part may make, at his own expense, any and all such alterations and repairs in and about the said buildings and grounds, and may erect such new buildings as in the judgment of the party of the second part may appear desirable, provided that the value of the premises shall not be unfavorably affected thereby.

5th That the party of the second part shall have the option and privilege of renewing this lease upon the terms and conditions herein expressed, for a further term of four years.

6th That in case the building hereinbefore referred to and described, or any of them shall become untenantable, or unfit for the purposes for which they are rented, by reason of fire or any other cause than natural decay, the rent thereof or a proportionate part as may be just, shall cease until such building or buildings shall have been reconstructed or repaired by the party of the first part to the satisfaction of the party of the second part, acting through its representative at Peking.

7th That the party of the first part will make such current repairs and renovations to the buildings, walls, walks, and drains as may be required by the party of the second part, acting through its representative at Peking, to the extent of six hundred dollars, in any one year during the period of this lease.

8th That when the party of the first part is referred to in this instrument, it shall always be understood and held to mean, include, and bind the said party as hereinbefore named, his executors, administrators, and assigns.

Done and executed in triplicate, at Peking, the first day of July A.D. 1879.

S. Wells Williams
by his Agent & Attorney in fact.
Chester Holcombe

For the Secretary of State
George F. Seward
Minister,

J. F. Elmore
C. S. Taylor
Witnesses to signatures.

Ackd 28 Sept

Ack & approve. F W

W T Blood

No. 446. One Enclosure.

Legation of the United States.

Peking, July 3rd, 1879.

DEPARTMENT OF STATE SEP 1879 RECEIVED

George F. Seward to the Secretary of State.

Subject.

Searching of pawnbrokers shops in the native city of Shanghai by foreign police.

Synopsis.

As the local Chinese authorities refuse to allow the searching of such establishments by the foreign police, the question has been referred to Peking. Mr. Seward encloses a copy of his response to Consul General Bailey.

No. 446. One Enclosure.

Legation of the United States.
Peking, July 3rd. 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

The Consul General at Shanghai has lately referred to me a question arising at his port upon the refusal of the local authorities to consent to a general arrangement by which the police of the foreign settlements may be authorized to search for stolen goods in the pawnbrokers shops situated in the native city, and I have addressed to him, in response a despatch, a copy 1/446 of which I enclose.

I have the honour to be,

Sir,

Your obedient servant.

George F. Seward

Enclosure.

1. Mr. Seward to Mr. Bailey

No. 170. July 3rd, 1879.

Despatch No. 446.
Inclosure.

Mr. Seward to Mr. Bailey.
No. 140. July, 3rd 1879.

Sir:–

I have received your letter, number 688, of the 23rd ultimo, covering a representation made to the Consular Body by the Municipal Council in regard to searches of pawnbrokers places in the native city.

It would be difficult, I think, to arrange here any plan by which such establishments may be searched by the foreign police. It is not likely, on the other hand that the Government would disapprove of any arrangement effected on the spot by the Consuls and the local Authorities.

The refusal of the local Authorities, in any given case, to cause an effective search to be made, would be a matter for complaint, and for representation here.

Their refusal to require pawnbrokers, having in their possession stolen goods, to deliver the same to the owners on proof made of proprietorship, would also be a just ground for remonstrance and complaint.

I am, etc.

(signed) Geo. F. Seward.

Ansd 13 Sept 79
mB

A.H. For the consideratn of Mr O'Connor F.S.

No. 447. Two Enclosures. Mr Blood &
Mr O'Connor

Legation of the United States.

Peking, July 3rd/4, 1879.

DEPARTMENT OF STATE
SEP
1879
RECEIVED

George F. Seward to the Secretary of State.

Subject.

French riot claims at Shanghai.

Synopsis.

Mr. Seward forwards copies of recent correspondence had with Mr. Bailey upon this subject. As Mr. A. A. Fisher carelessly put himself in the way of danger, and received only slight injuries, Mr. Seward thinks $5000 an excessive claim in his behalf, and requests the Secretary of State to review the case again.

No. 447. Two Enclosures.

Legation of the United States.

Peking, July 3rd, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you, herewith, a copy of a despatch, number 689, and accompanying papers which I have received from the Consul General, in regard to the "French riot claims," and a copy of a despatch which I am addressing to him in response. 1/447. 2/447.

In regard to the claim of Mr. A. A. Fisher, I desire to point out to you:—

First, That Mr. Fisher very

unnecessarily and very carelessly exposed himself to the injuries which he received.

In this connection, I beg leave to call your attention to his letter of May 6th, 1874, inclosed with Mr. Holcombe's despatch, number 99., from which it appears that, while out driving, he saw from a distance indications of a fire in the French district, that he drove towards the fire, that he discovered on coming near to it that "the conflagration "was the work of a Chinese mob" and that he "immediately drove "by the most direct route for home"

The important fact to be pointed out here is that Mr. Fisher chose to drive home, as the narrative discloses to one familiar with the locality, by the very street in which the riot was rampant, instead of turning and retreating by any one of several routes which were open to him.

Second. That the evidence of Mr. Fisher's injuries is purely *ex parte*, and that the certificates given by Mr. Hopkins and Mr. Pichon, at the time, indicated that no serious harm had befallen him beyond the loss of two teeth.

In this connection, I desire to say that while, on the one hand, Mr. Fisher's injuries were such as no person would willingly subject himself to, and seem to have proved somewhat more serious than was anticipated at the time, it is yet within my personal knowledge that they did not interfere with his usual avocations. Moreover, there is a manifest incongruity in demanding for him a large payment, when, to the families of the Chinese who were killed outright, whether as gratuity or compensation, only a fraction of the amount demanded for Mr. Fisher was paid. The payments to them amounted, I believe, to about one thousand Taels, or say $1400., for each person killed.

I doubt exceedingly whether the Chinese Government will entertain any claim whatever on behalf of Mr. Fisher. The difference in the measure of damages applied to the case of their own people whom, with no great deviation from the facts, they may consider were murdered, and that put forward in behalf of our countryman, is too great to be regarded by them with composure.

Under these circumstances, I beg leave to ask you to review this case again, and to decide whether it is wise to put forward any claim whatever on behalf of Mr. Fisher, and if so, whether his claim should not be measured by the actual pecuniary loss which he has sustained.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

Enclosures.

1. Mr. Bailey to Mr. Seward
No. 689. June 23rd, 1879.
2. Mr. Seward in response.
No. 171. July 3rd, 1879.

Despatch No. 447.
Inclosure 1.

Mr. Bailey to Mr. Seward
No. 689. June 23rd, 1879.

Sir:—

I have the honor to transmit, herewith, certain correspondence with the Taotai respecting the claims of American citizens arising out of the riot in the French concession May 3rd, 1874.

In presenting these claims to the Taotai I followed the instructions contained in Mr. Holcombe's despatch No. 150, dated December 19th, 1878. The Taotai insists, it will be seen, that Mr. Fisher's claim is to be left out, or dropped, in any adjustment which may be arrived at as to the others.

In the interviews I have had with him, he consents to pay all but the Fisher claim in dollars i.e. a dollar for every tael claimed in each case; but he will not entertain the Fisher claim, saying constantly that it is out of the question to consider it. He refers to the payment of the French losses, and that no compensation was allowed on either side for wounded persons in that adjustment, and holds that the precedent there established shall bind in the case of Fisher; that mutual liability was conceded in that the French paid the families of the Chinese who were killed in that riot. I have gone over the whole ground with him again and again, pointing out that the settlement with the French established no precedent, as the French did not concede their liability; that the sums allowed to the families of Chinese who were killed, were paid out of the gross amount awarded by the Chinese Government on the French claims, and were in the nature of a contribution by the French authorities, not a concession of liability. The Taotai also objects to the principle of compensation for injuries to the person. I stated the rule in our law, and endeavored to show him the justice of compensatory damages in such cases, but all of no avail. He has determined not to pay the Fisher claim, and will not unless ordered from Peking to do so.

I am quite of the opinion that all the claimants, except Mr. Fisher, will be content to receive dollars in lieu of taels, a dollar for a tael, in full satisfaction of their several claims. I am also of the opinion that if payment of all the claims but Fishers is accepted, baffling expedients as to his will be resorted to indefinitely.

But it is a question for serious consideration whether it is just to the other claimants to delay much longer the satisfaction of their demands for the purpose of pulling Mr. Fisher's claim through.

Awaiting your instructions in the premises

I have, etc,
(signed) David H. Bailey
Consul General.

Copy

No. 7354

Shanghai, July 3rd, 1874.

Sir:—

I am instructed by the United States Minister at Peking that, in his opinion, the losses of Americans by the riot of the 3rd of May should be paid by the Chinese Government, and to place the same before you. This I now do. The total amount claimed is Taëls 2427.50 and $1021.00. Beyond this amount a sum of Taels 10.000.00 is claimed by Mr. A. A. Fisher for personal injuries. I have not examined any of the claims. Doubtless, upon examination, some of them may be reduced, and specially that of Mr. Fisher, which is quite unreasonable. Will you please let me know what you propose to do in these matters.

In case you are prepared to pay the losses, I will act with you in any suitable way to assess the amount.

I have, etc.

His Excellency Shên,
Intendant of circuit for the
Soo, Sung and Tai jurisdiction
etc. etc. etc. etc.

I have, etc,

(signed) George F. Seward.
Consul General for
the United States
at Shanghai.

Copy

No. 163

Shanghai, March 21st
1879.

Sir:—

I have the honor to inform Your Excellency that I am in receipt of a despatch from His Excellency Mr. Holcombe, Chargé d'Affaires for the United States at Peking, informing me that he has received a communication from Prince Kung of the Tsung Li Yamên with reference to the losses suffered by American citizens during the riot that occured in the French Concession at Shanghai on the 3rd of May 1874, and directing Your Excellency to take the entire matter in hand for adjustment.

I now, accordingly, have the honor to enclose a memorandum of the names of the American citizens, together with a list of the losses sufferred; and beg that Your Excellency will be so good as to devote early and careful attention

to

His Excellency Liu.
Intendant of Circuit for the
Soo, Sung, and Tai jurisdiction
etc. etc. etc. etc.

to the subject, to the end that it may soon be satisfactorily adjusted.

Presenting Your Excellency with my compliments.

I have, etc,
(signed) David H. Bailey.
V. Consul General of
the United States.
at Shanghai.

Copy

No 169.

Shanghai, April 2nd
1879.

Sir:—

I had the honor to receive from Your Excellency, on the 23rd ultimo, a despatch to the effect that Your Excellency had been placed in receipt of a communication from His Excellency Mr. Holcombe, Chargé d'Affaires for the United States at Peking, with reference to the losses suffered by American citizens during the riot that occured some time since in the French Concession at Shanghai and enclosing a memorandum of the names of the American citizens together with a list of the losses suffered requesting that I would devote my early attention to the subject.

With regard to the above case, I have to inform Your Excellency that the then Taotai had the honor to receive, on the 3rd July following the riot, a despatch from Mr. Seward, then Consul

(General

His Excellency, Mr. Bailey.
Consul General for the
United States, at Shanghai.

General, enclosing a memorandum of the value of the property lost by American citizens during the riot; the totals aggregating Taels 2427.50 and $1021.00, upon which totals it was suggested that some reduction might be made, and further proposing to act with the Taotai in assessing the losses with a view to the settlement of the case.

The Taotai then handed the matter over to the District Magistrate for investigation; but, up to the present time, no final adjustment of the case has yet been made.

In the memorandum that has now been forwarded to me by Your Excellency, however, the total amount of the losses is given in taels, there being nothing represented in dollars. The amounts claimed by Messrs Richard, Gorman and St. John, aggregating Taels 949.75, do not appear in the memorandum originally forwarded me by His Excellency Mr. Seward. It is possible, however, that these three sums may be identical with the amount of $1021,00 originally claimed by Mr. Gorman for household effects, the dollars having been converted into taels. If this be so, the amount in taels is too large when converted at the present rate of exchange.

As to the remaining items which are given in taels, it is probable that some reduction may be made in same.

I have now, therefore, to enclose for Your Excellency's consideration a copy of the original memorandum of Mr. Seward, begging that Your Excellency will be so good as to favor it with a careful examination with a view to a reduction in the claims, advising me in due course with reference thereto, that the case may be finally settled, and report made thereon to Peking.

Begging to present Your Excellency with my compliments

I have, etc,

(signed)(sealed) Liu

Intendant of circuit
for the Soo, Sung and Tai
Jurisdiction, etc, etc, etc.

Copy

No. 167

Shanghai, April 4th, 1879.

Sir:—

I have the honor to acknowledge the receipt of Your Excellency's despatch concerning the losses of American citizens by the riot of May 3rd 1874, and I beg to thank Your Excellency for the prompt reply with which I have been favored.

I have referred to the original despatch of Mr. Seward on file in this office, to which Your Excellency calls my attention, and I find that all the items of losses therein stated are named in taels and are identical with the amounts submitted in my despatch, except that of John Gorman, which is put down at one thousand and twenty one dollars ($1021.00), and the claim of A. A. Fisher, which is stated by Mr. Seward at ten thousand taels (10,000.00) and which is reduced in my despatch to Haikwan Taels 3,000.00. The Gorman claim is now stated at Taels 765.75. (This

His Excellency Liu,
Intendant of circuit for the
Soo, Sung & Tai jurisdiction
etc. etc. etc.

This is accounted for by the difference in exchange. The two claims of Richard and St. John have come to light since Mr. Seward's despatch was written.

The several and total amounts, as now presented to Your Excellency by my despatch of the 21st ultimo, have been approved by the State Department at Washington, and it is under instructions that I have to request as early an adjustment as circumstances will permit.

Should Your Excellency desire a conference upon this subject with the undersigned, I shall hold myself ready for such an interview as soon as may be practicable.

I have, etc,

(signed) D. H. Bailey

V. Consul General.

Copy

No. 171

Shanghai, April 7th 1879.

Sir:-

I had the honor to receive from Your Excellency, on the 5th April, a despatch, the contents of which have had my careful attention.

With reference to the riot that occured on the 3rd May 1874 in the French Concession at Shanghai, a large number of Chinese received injuries, but the French Government has never made any provision for the said parties. As to the claim of Taels 3,000,00 for personal injuries sustained by Mr. Fisher during the riot, I am of the opinion that the same may be dropped.

With regard to the other claims enumerated in the memorandum sometime since forwarded me by Your Excellency and aggregating Taëls 3380.25, I am ready to hand over the sum of Taels 3300,00 to be distributed among the several claimants, dropping the odd amount of Taëls 80,25 entirely — in order that the case may be finally adjusted.

Should this proposition meet with approval, I beg that Your Excellency will be so good as to inform me, that the case may be closed and report made thereon.

Presenting Your Excellency with my compliments.

I have, etc,

(signed) Liu

Intendant of Circuit

etc, etc,

Despatch No. 447.
Inclosure 2.

Mr. Seward to Mr. Bailey.
No. 171 July 3rd, 1879.

Sir:—

I have had the honor to receive your despatch, number 689, in regard to the French Riot Claims.

It will be well for you to collect the amount which the Taotai is prepared to pay, as stated in your despatch, and to divide it among the claimants.

You will please say to the Taotai that we do not waive the demands made in behalf of Mr. A. A. Fisher, and that the subject may be again brought forward by you after I have communicated with the Government at Washington.

I am, etc,
(signed) Geo. F. Seward.

Ack. &c. [illegible]

W. Rlood

No. 448.

Legation of the United States.
Peking, July 5th, 1879.

DEPARTMENT OF STATE
SEP 1 1879
RECEIVED

George F. Seward to the Secretary of State.

Subject

Charges against Mr. McLane.

Synopsis.

May be brought up again by the Chinese. If so shall decline to discuss them in the absence of special instructions. Mr. McLane should not be abandoned

No. 448.

Legation of the United States.
Peking, July 5th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Mr. Holcombe is of opinion that the Foreign Office may bring forward again the case of Mr. De Land, and I write to say that, if they do so, I will respond that as the subject has been brought to your attention by their Minister at Washington, I prefer not to speak about it here in the absence of special instructions from you.

I may say further that I think strongly that we ought not to abandon our officer. He was indiscreet in some respects, but the imputations against his honor, so gravely advanced, are without foundation. To abandon him under these circumstances would be to encourage intrigue among Chinese officials who may chance to find one of our officers too little pliable to meet their ideas, or too urgent in enforcing the rights of our own people.

I am well satisfied that the attack on Mr. De Lano was occasioned mainly by his activity in breaking up the Trade Committee, so called, which had long been interposed between the Provincial Authorities and the

Consuls at Foochow, and which had made the transaction of business very tedious and difficult. His course was entirely in the line of my instructions at the time,* and was sustained by his colleagues, and by the several Ministers resident here.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward.

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* See Mr. Seward's despatches, numbers 168. 192. 248. 268. 276 and 285.

No. 449.

Legation of the United States.
Peking, July 5th, 1879.

DEPARTMENT OF STATE
SEP 1 1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Ward and Keorjeon Claims.

Synopsis.

Mr. Seward thinks it not opportune to raise these issues at the present moment, but suggests that good might be done, if the Secretary of State would mention them to the Chinese Minister at Washington.

No. 449.

Legation of the United States.
Peking, July 5th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Reverting to my despatch, number 444, in regard to the Ward and Keoyeor claims, I beg leave to say that further reflection leads me to think that it would be impolitic for me to raise these questions at the moment. I may suggest, however, that an allusion to them by yourself in conversation with the Chinese Minister at Washington might prove of service whenever they are again brought forward here.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

File

Ack

Mr Blood

No. 450.

Legation of the United States.
Peking, July 7th. 1879.

DEPARTMENT OF STATE
SEP
1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Call upon Prince Kung. Emigration question.

Synopsis.

Mr. Seward called upon the Prince upon the 5th instant, and his call is to be returned tomorrow.

Proposes to enter upon the subject of emigration at once, in a quiet way. Inquiries at Canton and Hongkong not yet set on foot, for reasons stated.

No. 450.

Legation of the United States.
Peking, July 7th 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:-

Prince Kung having returned to the city, I paid my respects at the Foreign Office on the 5th instant, and am now in receipt of a note from the Prince saying that he will return my call tomorrow.

After this call has been made, I propose to open the discussion of the emigration matter. My present design is to approach the Ministers in a very quiet way, and to so manage the business, if possible, as not to touch their pride.

I have hesitated to set on foot the inquiry in regard to contract emigration indicated in your instructions. The Consul at Hongkong has been for a short time only at his post, and the Consul at Canton has a native interpreter in whose discretion I cannot confide. Moreover, my plan of action leads me to avoid drawing unnecessary attention to the business at the moment.

The Viceroy at Tientsin dropped a remark in a conversation with General Grant which indicated that this Government is disposed to deal with the question of contract emigration in an accommodating way. Beyond this I have received, as yet, no intimation of their sentiments.

The Prince and Ministers were very cordial, and the Prince appeared to be in better health than heretofore.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

McBlood

Ack
Fwd 16

PRINTED.
FOREIGN RELATIONS
1880

No. 457.

DEPARTMENT OF STATE
SEP 4 1879
RECEIVED

Legation of the United States.
Peking, July 12th, 1879.

George F. Seward to
the Secretary of State.

Subject.

Conference of Diplomatic Body.

Synopsis.

A meeting was held on the 10th instant, at which it was decided to bring up the questions of Inland Taxation, Official Intercourse, and the Judicial System, for discussion in September. No special instructions are needed. Some progress has been made in the line of

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F.R. 1880

the two subjects last named.

No. 451.

Legation of the United States.
Peking, July 12th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

A conference of foreign Ministers was held on the 10th instant at the house of Sir Thomas Wade, Doyen of the Diplomatic Body, at which it was agreed that the following questions, to wit;— Taxation of Foreign Manufactures and Foreign Owned Domestic Produce, Official Intercourse, and Judicial Proceedings, require attention, and shall be brought under discussion with a view to reach conclusions to be put before the Chinese Government. Sir Thomas Wade was requested to communicate with absent Ministers in this sense, and to say that it is proposed to meet for the study of these questions early in September.

The matters indicated have formed the subject of a number of dispatches heretofore addressed by me to the State Department, both from Shanghai and since I have been in charge here. They have come up for remark more particularly in connection with the German Treaty revision scheme, and the English

Convention of Chefoo. They were severally dealt with in the Protocol of November 23th, 1876, transmitted with my despatch, number 177.

It is my desire, as it will no doubt, be that of the Department, to avoid at this moment, all matters which may be calculated to interfere with the settlement of the emigration question. I do not think it wise, however, to separate myself from my colleagues unnecessarily, or to appear before the Chinese as over delicate in the assertion of our rights. The Chinese do not reciprocate the privileges accorded by us to their people in America, and it may be

omit

wise to let them understand this indirectly, as well as in direct terms when the moment therefor arrives. I am disposed, indeed, to make the questions growing out of Chinese emigration to the United States a source of strength here, rather than to consider them an occasion of weakness. The strongest arguments which we can use, looking to a check upon emigration, are those to be drawn from the exclusive policy of the Chinese, and the strongest which can be used here favoring a more liberal policy on the part of China, are those which may be hinged upon the undoubted desire of the Chinese to maintain the rights of their own people

Omit

people abroad. omit

Begin again

I think that no special instructions in regard to the subjects which it is proposed to consider in September are needed. It is by no means certain that the foreign representatives here will be able to reach harmonious conclusions, and not likely that anyone will desire to propose changes of treaty stipulations, without first submitting the concrete propositions to his Government. A bare approval, therefore, of the proposal to confer together, and a general authority to carry cooperation as to the results, so far as may be appropriate looking to the important character of the matters under discussion, is all that I would ask for.

My correspondence will have shown you that there has been some improvement in official intercourse, and in the judicial situation since my arrival in Peking. The Chinese appear to admit now, in theory, that civil cases can only be dealt with in the courts of the defendants, and in accordance with the laws of the country of the defendant, and they have yielded somewhat in ceremony both here and at the ports. The practical extinction of the Foochow Trade Committee has also been of decided advantage to us.

There is no new light, however, in regard to the internal taxation question, unless I may consider that the evident disposition of the Ministers, resident here, to look for a practical solution of the difficulties surrounding the subject, to new stipulations which can be cordially accepted by all, including the Chinese, rather than to attempt to define and to sustain existing stipulations which are obscure in terms and have evidently failed to meet the purposes in view, is an advance of a substantial sort.

I have the honor to be,

Sir, Your obedient servant.

George F. Seward.

Mr Blood
Col. Morgan

One Enclosure.

Department of State
Sep 4 1879
Received

Legation of the United States.
Peking, July 15th, 1879

Chester Holcombe to
the Secretary of State.

Subject.

Statement of salary account.

Synopsis.

Mr. Holcombe forwards a statement of his account for salary for the quarter ended June 30th, 1879. with the usual voucher.

One Enclosure.

Legation of the United States.
Peking, July 13th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to hand to you, herewith, a statement of my account for salary for the quarter ended June 30th, 1879. 1

You will notice that, in this account, I have credited the Government with $85.00 for 17 passports issued from this Legation in 1878, and reported by me to the Department in my despatch number 143, of June 3rd last.

A duplicate statement of this account will be sent forward by the next mail.

I have the honor to be,
Sir,
Your obedient servant.
Chester Holcombe

Enclosure.

1. Mr. Holcombe's statement of salary account for the quarter ended June 30th, 1879.

File.

[illegible] H

Mr Blood

1

No. 452. One Enclosure.

Legation of the United States.

Peking, July 15th, 1879.

DEPARTMENT OF STATE
SEP
4
1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Chinese emigration question.

Synopsis.

An appointment was made for the discussion of this business, upon the 14th, but the weather proved very unfavorable, and the interview was postponed until the 16th.

No. 452. One Enclosure.

Legation of the United States.
Peking, July 15th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

The Prince of Kung and the several Ministers of the Foreign Office returned my visit on the 8th instant, and, on the 11th, I addressed to the Prince a letter asking for an interview to speak upon the emigration question, a copy of which I enclose. 1/452

Yesterday the 14th instant was named by the Prince, but the weather proved very unfavorable, and I was obliged to defer the meeting. I have asked for an interview tomorrow, and I expect then to open the discussion.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward.

Enclosure.

1. Mr. Seward to Prince Kung
July 11th, 1879.

Despatch No. 452.
Inclosure.

Red note

Mr. Seward to Prince Kung
July 11th, 1879.

Y. I. H. and your colleagues the Ministers of the Foreign Office are doubtless aware that the presence and continued immigration among the communities of the Western coast of the United States of large numbers of your people have given rise there to many serious questions, and you will not be surprised to learn that my Government, actuated by just and reasonable sentiments, is desirous to review the situation in concert with your own, and to reach conclusions which will be mutually satisfactory and honorable.

Upon this subject, I am charged to speak with you, and I now beg leave respectfully to ask whether it will be convenient for you at a not distant date, to hear what I have to say, and in such case to name the time when I may appear at the Foreign Office for the purpose.

I have, etc,
(signed) George F. Seward.

✓ Ans'd 25 Sepr
Mr S

M Blood

No. 453. One Enclosure.

Legation of the United States.
Peking, July 16th, 1879.

DEPARTMENT OF STATE
SEP 4 1879
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Stationery wanted for the Legation.

Synopsis.

Mr Seward refers to Department instruction, number 299, and forwards a memorandum of the stationery needed.

No. 453. One Enclosure.

Legation of the United States.
Peking, July 16th. 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

In obedience to your instruction, number 299., I now have the honor to hand to you herewith a memorandum of the stationery needed in this Legation. 1/453.

In case the amount named cannot all be sent at one time in the despatch bag, I beg leave to request that the supply of despatch paper be forwarded first.

I

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

Enclosure.

1. Memorandum of stationery needed by the Legation!

Mr Blood

No. 454.

Legation of the United States.
Peking, July 18th, 1879.

DEPARTMENT OF STATE
SEP
4
1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions numbers 303, 304, and 305. have been received.

No. 454.

Legation of the United States.
Peking, July 18th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:-

I have the honor to acknowledge the receipt of your instructions, numbered respectively, 303. 304. and 305.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

Mr Blood
Col. Morgan

No. 455. One Enclosure.

Legation of the United States.
Peking, July 18th, 1879.

DEPARTMENT
SEP
4
1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Account for salary.

Synopsis.

Mr. Seward forwards his salary account for the quarter ended June 30th, 1879.

No. 455. One Enclosure.

Legation of the United States.
Peking, July 18th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:–

I have the honor to hand to you, herewith, my account for $455 for Salary for the second quarter of the current year. A duplicate will be forwarded by the following mail.

I have the honor to be
Sir,
Your obedient servant.
George F. Seward

Enclosure

Enclosure.

1. Salary account for the quarter ended June 30th 1879.

Mr Blood
Col. Morgan

No. 456. One Enclosure.

Legation of the United States.
Peking, July 19th 1879.

DEPARTMENT OF STATE
SEP 4 1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Legation rent account.

Synopsis.

Mr. Seward forwards a statement of this account for the quarter ended June 30th 1879.

No. 456. One Enclosure.

Legation of the United States.
Peking, July 19th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:–

I have the honor to hand to you, herewith, a statement of the rent account of this Legation for the quarter ended June 30th, last. You will notice that in drawing the draft for the rent, I deducted the net amount of gains by exchange on all preceding drafts. 1/456.

A duplicate of this statement will be forwarded by the next mail.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosure.

1. Statement of Legation rent account for quarter ended June 30th, 1879.

File: per instructions of Nov. 7. 1879. AAA

McElroy

DEPARTMENT OF STATE
SEP
5
1879
RECEIVED

No. 457.

Legation of the United States.
Peking, July 21st. 1879.

George F. Seward to the Secretary of State.

Subject.

Chinese emigration.

Synopsis.

Mr. Seward has had two interviews with the Foreign Office. The results are satisfactory.

No. 457.

Legation of the United States.

Peking, July 21st. 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I had the honour to advise you on the 15th instant that I had requested an interview with the Ministers of the Foreign Office in order to speak of the emigration question.

Since that date I have had two conferences with them.

Believing, as I have stated in an earlier despatch, that it would be wise to approach the subject in a quiet manner, I took pains in asking for a conference to intimate that I would not call, at the moment, for the presence of Prince Kung. He is much occupied with the various duties pertaining to his high position in the Empire, and, by leaving him out I should be able to take more time for the presentation of the matter, and I should have the advantage of recourse to him, at a later moment, in case the Ministers should not meet me in a satisfactory way.

I was much pleased, on going to the Yamen, on the occasion of my first visit, to find there four of the most influential Ministers, those in fact whom I should have selected, if I could have had a choice, and still more gratified upon meeting the same Ministers at the second interview. It sometimes happens that the foreign representatives have to deal with a succession of Ministers in getting their questions before the Yamen, the large number of that body and their habit of irregular attendance making the transaction of business particularly tedious.

While aware that the President and yourself would expect to hear from me in regard to the emigration question at the earliest possible moment, and to be as fully informed as possible in regard to the views of this Government, I have not felt that my instructions authorize me to lay before them any formal proposals. It has seemed to me that my first object should be to allay their irritation caused by the indications of a more positively hostile policy toward their people in America, and to assure them of our devotion to the broadest principles of liberal government and humanity, and in this way to provide for a continuance of that good understanding upon which the safety of great interests involved here depend, and, more particularly, to prepare for an unrestricted discussion of the main question.

I may confess to you that I could not readily take up, before this Government, any other line of procedure. The Ministers of the Foreign Office are men of mature years, habituated to the conduct of Government on a large scale, by no means so ignorant of external affairs as many believe, sensitive in a high degree to any shadow of an implication affecting their nationality, courteous with a courtesy that is not of manner merely, amenable to reason to a measure not generally supposed, surrounded as all statesmen are, with difficulties, very open to the persuasion of their freinds, but very deaf to arbitrary demands, and accustomed to turn to our Government and to our Legation for evidences of friendliness.

To speak to them brusquely or inconsiderately under these circumstances might do an injury to the negotiation of an irreparable sort.

It may be well to say here that the statements lately made in our newspapers that this Government can only regret the President's veto of the fifteen passengers bill is without foundation. It is true that existing treaties press hardly upon the Chinese. They were made at a peculiar moment, and may need revision after a season. If then we had arbitrarily denounced the given treaty, undoubtedly they would not have lost sight of the precedent. But that they regret the fact that we have not given them an example of a doubtful sort — would have preferred that we had done so — I do not believe. It would have left their people in our country, as they would believe, at the mercy of the popular sentiment of the moment, and would have left the Ministers themselves open to a charge of having failed in their conduct of international affairs. I see no reason to doubt that they are as anxious almost to sustain the treaty as we can be to preserve the earlier treaty upon which our general position here depends.

I condemn also the similar statement that this Government does not care whether its people emigrate. I do not think that Chinese statesmen are disposed to look to emigration as a means of improving the condition of their people, but they have come to consider their foreign relations as important, and the statesmen charged with the duty who should neglect to defend the national prestige would be made the subject of grave attack. The Foreign Office in particular is as sensitive as foreign offices generally, and its members would not willingly encounter the charge that they have abandoned any of the interests committed to them.

And, moreover, the sooner we rise to the idea of dealing with this Government as being actuated by very much the same motives of dignity, patriotism, and public policy which actuate other Governments, the sooner we shall be able to place our relations upon an enduring basis of good will and common interests.

I do not think it necessary to repeat now the statements of fact and considerations of policy which, in my interviews with the Yamen, I placed before the Ministers present. The situation in California as it is, and the action of Congress of last winter was explained to them with such details of an administrative and political sort, as would give them a clear idea of the matter. I spoke freely and frankly, dwelling with some particularity upon certain special evils attending the immigration of their people into our country, such as the importation of criminals, paupers, lewd women, and contract laborers, and of the apprehensions which we feel, under our form of government, at the arrival upon our shores of large numbers of people whose traditions and purposes do not fit them to take a place in the social and political constitution of our population.

In making my statements to them I counted of course upon their general knowledge of our affairs and of the course of recent discussions with us. Much of what I had to say under these circumstances was explanatory requiring no great expenditure of time. I counted too, in a very marked degree, upon their general good feeling toward our country, and their knowledge of my own direct way of dealing with matters committed to me.

Without entering into

detail, I think that I may pronounce the interviews satisfactory in a marked degree. The Ministers did not speak out with perfect freedom, and in the absence of the Prince, and in advance of careful deliberation, I did not expect that they would do so. But there was not an unfavorable incident occurred and when, at the close, they said that they would place the business before the Prince for his views, I felt that their influence with him would run in the direction of an amicable and appreciative reception of our statements, and that I might expect to receive in response some indication of their disposition which will point the way to further discussion, and a more particular definition of purposes.

It may be some days before I hear from the Ministers.

My further action must depend upon circumstances. My hope is that I shall not have occasion to go into further talk, but simply to report to you for instructions. It is always possible, however, that the Chinese may bring up for discussion, either general questions affecting the situation, or special complaints based upon representations received by them from their Legation and Consulates in the United States.

Until the Ministers inform me that they have received the instructions of the Prince and are ready to speak further, the business must be considered, of course, in abeyance. I expect to hear from them within a week.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

1

Mr. Bloost
Mr. Clements

Ans'd Oct 7. (Copy of Mr Papers] Mr Haywood.

Ack. This matter should be looked into. F.W.S.

✓ No. 458.

Legation of the United States.

Peking, July 22nd, 1879.

DEPARTMENT OF STATE
SEP 4 1879
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Marshal at the Tientsin Consulate.

Synopsis.

Mr. Seward call attention to previous correspondence upon this subject, and asks for copies of certain despatches, and a further instruction.

Mr Polk -

Please ascertain if this appointment was made & under what circumstances - & taken

A A Adee

Will Mr Clements give us the facts, if proper - A A A

Mr Root -

Mr Gall was appointed 26 November 1878.

I send you herewith all the papers from Consul - Tientsin -

Septr 6'79.

No. 458.

Legation of the United States.
Peking, July 22nd, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:-

I beg leave to recall your attention to my despatch number 403., advising that a Marshal should not be appointed for Tientsin, and your instruction, number 225., approving my advice, and to state that I find now a Marshal at Tientsin holding a Commission as I understand from home, and drawing the full salary.

I call attention to this

subject, not to raise any question in case the appointment was made in view of all the facts, but to ask for copies of Mr. Glenny's despatches, and an instruction to report further upon the subject, in case my earlier letter was lost sight of.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward.

Treas. 1

✓ To Treas. to return [illegible]

M Blood

No. 459.

Legation of the United States.
Peking, July 22nd, 1879.

SEP 4 1879 RECEIVED

George F. Seward to the Secretary of State.

Subject.

Amount of gold, silver, and currency in China.

Synopsis.

Mr. Seward refers to Department instruction, number 305. No possibility of obtaining the desired information. Refers to his paper upon this subject printed in the report of the Silver Commission.

No. 459.

Legation of the United States.
Peking, July 22nd, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have had the honour to receive your despatch number 305, instructing me to obtain for the Secretary of the Treasury certain information respecting the amount of gold and silver coin and bullion, and paper currency, in China.

It would be useless to submit the questions of the Secretary to the Ministry of Foreign

Affairs, or to attempt to procure answers to them from any native official source. Two years ago I prepared a paper on the precious metals and the currency of China, and transmitted it to the Department for the use of the Silver Commission. It was printed with the report of the Commission, beginning at page 541. I cannot do better than to refer the Secretary to that communication, as containing all the information which I can offer.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward.

File

Ack - U

wade

No. 460. Two Enclosures.

Legation of the United States.
Peking, July 24th, 1879.

DEPARTMENT OF STATE
SEP 29 1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Russell & Company *versus* Shen Low shan

Synopsis.

Mr. Seward forwards further correspondence upon this case with the Consul at Hankow. No instructions are needed at present.

No. 460. Two Enclosures.

Legation of the United States.
Peking, July 24th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to hand to you, herewith, a copy of Mr. Shepard's despatch, number 30, and of my response, number 67. 1/460 2/460

This correspondence does not call for any instructions at the moment, but it may be read with interest in connection with the judicial questions, so called and the Protocol of November 25th, 1876.

I

I have the honor to be,

Sir,

Your obedient servant,

Geo. F. Seward

Enclosures.

1. Mr. Shepard to Mr. Holcombe
No. 30. April 24th. 1879.
2. Mr. Seward in response.
No. 67. July 23rd. 1879.

Despatch No. 460.
Inclosure 1.

Mr. Shepard to Mr. Holcombe
No. 30. April 24th, 1879.

Sir:—

Agreeably to the intimation given in my No. 29, that I should in due time forward details of the progress made in the case of Russell & Co. versus Shin-Tou-Shan in the coffin-wood business, I have the honor herewith to inclose, in the original and also in translation, all the correspondence which has taken place on the matter since I transmitted my Nos. 25 and 26, of Nov. 14 and December 24, 1878, respectively. The reception of the present Inclosures will put you in possession of the entire case; and I supplement the documents with such observations as I think called for.

After receiving the Taotai's despatch of January 10th (see page 1). I purposely delayed to act, for the reason that while in Shanghai, early in January, I had learned that Mr. Moore, who had been Russell & Co's agent at Tientsin during the whole period of the coffin wood shipment, was about to come to Hankow to reside in the same capacity. By conversation here with Mr. Cunningham whom he was to relieve, I learned that Mr. Moore's testimony would be valuable, and we agreed in opinion, that as he was to come up the river as soon as his substitute arrived in Shanghai, the investigation should be delayed until his arrival. Hence the non-committal tone of my reply to the Taotai, unofficially. Jan. 20 (see p. 4)

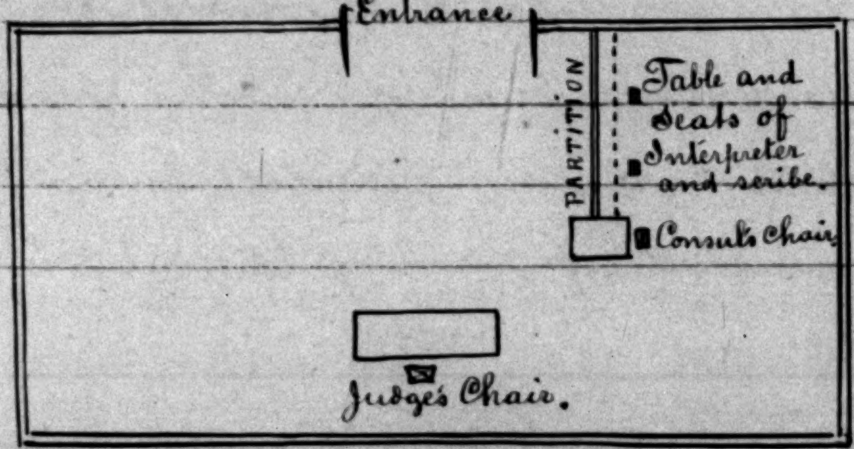
It is particularly to be noted, however, that the Intendant, at the very outset declares his intention to bring into the examination, a criminal charge made by one native against another, a matter with which I have no sort of right to be implicated, and I could with no propriety sit at such a trial. The same determination he brings into his next two communications; and while I comprehended his purpose, which undoubtedly was to provoke objections from me, I thought it best then to enter the protest beyond what I assert in my No 238, that, "I shall only examine into the claim of Messrs Russell & Co, &c,"

Mr. Moore arrived about March 1, and I at once consulted him, and wrote my No 238 (see page 8) as soon as he could make it convenient to give me what information he had in the case, which I found to be quite important. When the Taotai thus found me ready to attend an investigation, he at once brings to the front the criminal charge against my two native witnesses, of "causing the death of two persons". You will recall that in my No 17 of Jan. 26, 1878, he took exactly the same course. As then, so now, the men were much alarmed, and appealed to me for protection. On their former arrest they were compelled to keep a kneeling attitude for four consecutive hours, and were threatened with severe penalties. It is not to be forgotten that their criminality is simply that they had been employed by an American firm. For over a year he has permitted their pretended crime to slumber until he thinks, and is informed, that I need their testimony, and then suddenly rouses to the necessity of a trial by my two witnesses and sends officers to arrest them, which would take them beyond my control. In my No. 239. (see page 13). I rebuked this proceeding in terms much more moderate than I think the attempted outrage deserved. I also addressed my No. 240 to the British Consul, who responded courteously and with cordial cooperation. (See H. B. M's Consul's despatch. p. 17). Mr. Hughes verbally informed me that the Taotai was very angry at his action, and failing, as he expressed it, "to bully him", threatened to make the arrest without his warrant whenever he could find the man. To me, under date of March 20, (See p. 19), the Intendant changes his ~~position~~ pretensions, and "only wishes to summons" the witnesses! Yet for all this pretended change of purpose, he kept a posse of native police on the watch for the two compradores, who for several days were confined to their employers premises to prevent arrest, the constables at different times going to their family residences to search for them. Finally they paid some money, and gave security for their appearance whenever the Taotai may call for them. And so the simulated charge against them is again suffered to rest untill I shall need their testimony.

It will be noted that the Taotai still insists on his pre-judgment that "the wood has been dishonestly disposed of", and he declares he only intends to examine Shin-Tou-Shan in open court,— the very man against whom the suit is brought, and who is most interested to prevent investigation. My reply in No. 244. (see p.23) reiterates in terms my requirements. In answer the Taotai evades the demand for a day to be fixed upon,— takes back his notice of summons,— and suggests a reference to Peking. In No 246 (see p. 26)— I replied very briefly and once more demanded a fixed day.

Then came his request for a visit from my Interpreter to inspect the arrangements for the hearing. Mr. Jenkins found a back room provided, bare and unfurnished, presenting to him an appearance as if the poorest accomodation possible had been selected, for the sake of indignity; but he made no objection to the room itself. A table and chair near the center, were arranged for the Taotai, as sitting Judge, who would face the entrance. A partial partition extended from the front wall of the room towards the centre, on the left hand as one entered, but on the right of the judge as he would be seated. At the end of the partition, and jutting against it, was placed a second Table at right angle with the judges, and some distance to the front and to the right, with a chair behind, to be occupied by the Consul. At the right of the Consul, and behind the partition, were to be placed the Interpreter and the Scribe, with a long narrow table jutting against the front wall.

I give a diagram in illustration


Entrance
PARTITION
Table and
Seats of
Interpreter
and scribe.
Consul's Chair
Judge's Chair.

The Deputy who explained the arrangements inquired of the Interpreter if he thought them satisfactory? Mr. Jenkins rightly assured him they would not be, for the Consul would be degraded by the position assigned him. He was then questioned as to what the Consul proposed to do at the trial; but the Interpreter replied he could give no information, as he had no instructions from the Consul, and had no authority to speak for him; but there were two points that might be assumed as certain. — the Consul must be received as the Taotai's equal in rank, — and he must question the witnesses to get at the truth. The same day the Taotai asks me if I have been correctly represented (see p. 29). My No. 248 — (see page 30) gives the requirements I deem indispensable, and the Taotai's reply, closing the correspondence, denies them all, and virtually refuses an investigation that would not be a degradation and a farce.

Upon a review of all the circumstances as detailed by the correspondence, I am impelled to offer the following observations;

It may be a question whether under

the Chefoo Convention the Taotai is not in the main right in his course. By that agreement in an Investigation of the kind demanded, it is expressly stipulated by the third paragraph of Section II. i i i. that the official of the plaintiff's nationality "merely attends to watch the proceedings". Of course, then, he can do no more; and as an inference, the official presiding may dictate what evidence he will hear and what reject — what courtesies or rights he will allow and what restrain. To be sure he may be protested against in detail, but of what avail is the protest? In other words, have not whatever rights and claims to consideration in such deliberations as were guaranteed by pre-existing Treaties been in effect entirely nullified and abrogated by the "understanding" of that document? Have not foreigners who are compelled to accept and act under it lost what little Treaty claims for justice they had beforetime from native officials? That the Intendant has been acting all through this case on the basis of the

Chefoo Convention I have no doubt; and I have reasons to believe with instructions from Peking to that effect. The last fact is, I think, the key to his conduct.

But on this point I wish to bring to view the fact that as citizens of the United States we have nothing to do with the provisions of that Instrument, except that under "the most favored nation clause" of our Treaty, we may select and apply what is really new and beneficial. The agreements, in whole or in part, have never, I believe, been adopted by our Government, and cannot, therefore, be made to apply to our interests without our consent. Hence our own Treaty provisions applicable to the topics that have been under discussion remain binding upon native officials. I submit, therefore, that in behalf of the interests at stake in Russell Co's case, but much more to sustain the important principle involved, which so materially affects all like cases in the future, and to uphold our national honor, our own Treaty provisions should be insisted upon

Cat

at all hazards. In public affairs and between nations I think nothing should ever be asked for that cannot be, and is not intended to be enforced. In this case I have carefully kept this in mind, and I have not gone beyond what has been solemnly guaranteed. By Article X of our Treaty of 1858 I take rank with the Intendant, and insist upon being treated in official intercourse, whether in Court or out, "on terms of equality and reciprocal respect". By the same article I ask that my superiors will see that strict justice shall be had in this case of disrespectful treatment. The Taotai of Hankow has both deliberately refused to treat me on an equality with himself, and he has been guilty of heinous disrespect to my government, in his attempt to arrest, on a fabricated charge, witnesses under my protection after he was warned of the nature of his act, and in his further ~~treatment~~ threatened purpose to punish a native in the employ of a citizen of the United States, if he presumes to attend the U. S. Consul to his court as an important witness. — He has also for nearly two years obstinately violated the XXIVth Article of the Treaty above quoted by refusing "due examination" in a case of disagreement, — the subject of this long correspondence. Whichever of the two Chinese terms may be used to designate the joint examination provided for in Art. XXVIII of the Treaty, I submit that the examination itself when held must be so conducted as to elicit the facts and proofs on which any impartial and just decision must of necessity depend. The Taotai has wilfully, and of pre-determined purpose, — refused all this by insisting on his own partial judgement of the case, — by accusing my clients of dishonest acts without knowing of, or listening to, their defence, by declaring he will only hear the testimony of the defendant who alone is interested to falsify, — and by refusing to allow the Consul to cross-examine witnesses, or even to propound any question whatever through the deciding official himself. —

All these points combined make a more flagrant case of contempt for Treaty provisions, and in fact they disclose a very virulent dishonesty in his acts and hostility to justice. Unquestionably, the Taotai has never intended to give an honest hearing, and a candid judgment in this case. He has indirectly endeavoured to have it withdrawn by the payment of a portion of the demand through the defendant and the two compradores, — especially the latter, — while he has constantly insisted that nothing was due. I have been approached to specify what sum could be received; but my answer was decisively that the first step to settlement must be the holding of an investigation according to the Treaty to discover what was due. Any commutation of damages must be an after consideration altogether.

Failing in all efforts to thrust the issue aside, as a last resort he surrounds the possible hearing with such accompanying indignities, and such nullifying circumstances as he knows must be refused, — with the undoubted object of inducing me to abandon the matter in disgust, and relieve him from the necessity of yielding what he has so steadily refused. All his pretests, delays, conditions and suggestions have been with a view, if possible, of shifting the responsibility of declining an investigation upon me, instead of upon himself.

Your experience will probably teach you what is best to be done, and what can be done in the circumstances. Whatever that may be I am sure of one thing, that this obstructionist ought to be removed and degraded if the High native Officials have any sincerity in their professions of amity, justice and equity under the Treaties; and then a successor should be sent with unmistakable instructions to do us full justice. I shall take no further steps in the affair until I receive your counsel.

For information I give in an

inclosure some facts not contained in my No 17. Jan 26. 1878.

I, am, &c,

(signed). Isaac F. Shepard

Statement of Facts

To accompany despatch No. 30 to U. S.
Legation. From U. S. Consul
Hankow, April 24th, 1879.

In the matter of Russell & Co. versus Shin Tou Shan. The shipment of the Coffin wood was undertaken on a Bond or Warranty given by Liu Shin Fa, April 8th 1876. The Taotai has never seen this — Bond, and has no presumed knowledge of its existence, it having lately come to light. It is now in my possession. It appears to be in Shin Tou Shan's handwriting. — Liu Shin Fa could not write. It is — witnessed by two men, one a broker, since dead, the other cannot be found.

Liu Shin Fa went to Tientsin, — returned and died a natural death in Hankow at his own house. This is the first death charged to have been caused by the deception and oppression of the two compradores of Russell & Co.

After Lie Shin Fa's death his brother brought forward Shin Tou Shan, a friend of the family, to undertake the completion of the Coffin-wood speculation. On the Taels 200 borrowed, after giving his Bond and a Deed of Land, he went to Tientsin taking a servant or coolie. This Coolie died in Tientsin, and This is the second death charge &c. &c. to the Compradores.

The Compradores never saw Lie Shin Fah nor Shin Tou Shan till they came to Russell & Co's office.

Although both Lie Shin Fah and Shin Tou Shan went to Tientsin, neither one of them nor any other party ever applied for the delivery of the wood, never inquired as to charges, never put in an appearance to complete the business at all. Messages were sent to them but they never responded.

The wood remained at their call until after Russell & Co's business was closed at Tientsin, not because R. & Co. had not the most undoubted right to sell, but because it would not bring enough to pay the charges.

Probably the whole business was an intended swindle. The wood was not proper Coffin wood, but ordinary logs bought on the Han, and passed off as Coffin wood. R. & Co advanced 30 cents per stick, which was undoubtedly more than it cost! On the sixth shipment being offered it was refused because of its worthlessness.

Liu Shin Fa at first represented that he was acting for another. He was a dyer, and knew nothing of the wood business. Probably the man in the rear was really Shin Tou Shan himself.

The only money lost was by Russell & Co.

(signed) Isaac F. Shepard
U. S. Consul.

The Toatai to Mr. Shepard,
January 10, 1879.

× × × × × × × ×

In regard to the case of Messrs Russell & Co against Shin Tou Shan, you had always demanded a joint investigation (huei sung) until the despatch sent of the 10th moon, 19th day, (Nov. 13, 1878.) when you informed me that at the investigation you only wished to be present, and that the decision would be given by myself, etc. — I replied that as I had referred the case to the Foreign Board I must await instructions before I could grant the hearing as requested. I am now in receipt of instructions received through H. E. the Viceroy, that I shall have the case closed early, according to justice. I am myself satisfied with all evidence already; if you are not settled in your own mind we can consult. I shall desire you to furnish me with the following particulars:— the time of the investigation, the witnesses you wish present, and what documents are required, — so that I can meet your wishes. With regard to the charge made against Wang Leao Foong, and Shih Leao Yuen by the family of Liu-Shin-Fa for unjust action, I wish to have these two persons examined at the joint investigation. Hoping for a reply.

From Hoo, Taotai.
To Consul Shepard.

The Taotai to Mr. Shepard.

January 19th, 1879.

I addressed you sometime since in respect to the following matters x x x x Messrs Russell & Co's claim against Shin-Tou Shan, and Lee Kong-Sze's charge against Wang Leao Fong, and as yet have received no reply. Please inform me how you wish to dispose of these cases at your earliest convenience.

A reply is earnestly looked for.

From Hoo, Taotai
To Consul Shepard.

Unofficial

Mr. Shepard to the Taotai.

January 20th, 1879.

Sir:—

Your note informing me that you were instructed to make an examination of the case of Messrs Russell & Co in my presence was received several days since.

Circumstances not necessary to detail have made delay convenient to me, and I wish nothing done till after the Chinese New Year Festivities. When these are over and business resumed, I will again communicate with you on the matter.

I am, Sir, &c.

(signed) Isaac F. Shepard.

The Taotai to Mr. Shepard.
March 18th, 1879.

Referring to the complaint of Messrs Russell & Co. against Shin-Tou-Shan, it has caused inconvenience to both parties on account of its long standing. Besides it has prevented the settlement of the complaint made by Leu Kong against Wang Leao Fong and Shih Leao Yuen, who through deception and oppression have caused the death of two persons. The above cases should be closed at once. Last year I received the following order from the Foreign Board. The Taotai should summon the parties and request the Consul to be present. I have already given you notice of the receipt of the above order. It is my intention to summon Wang Leao Fong, Shih Leao Yuen and Shin-Tou-Shan and Leu Kong's representative at an early date, and then to give you notice of the time, and I earnestly hope you will be present. As

Wang Leao Fong and the other are compradores in foreign employ it is my duty to request that you will send an officer with my officer to being the parties named to my office. This is in accordance with the Treaties. Should you decline to grant my request according to Treaty, I will be compelled to have the parties above named arrested myself. There is a difference between a joint investigation termed "Kuan sung", and one termed "huei sung". A Court held in accordance with rules for a "Kuan sung" (joint investigation), it matters not whether held by a Taotai or by a Deputy, the proceedings are under the whole control of the native officials. There is placed a side seat for the judge who is present for the defence of the plantiff. The Consul may attend in person or send a Deputy, as best suits his convenience. During the proceedings in Court, should any disagreement arise between the judges, it must not be discussed until after the Court is cleared. Then the judges can arrange between themselves, as discussions in open court are unpleasant. In your letter of the 13th November, 1878, you say in case you considered the judgment unjust you simply would appeal it to your Minister. This statement leads me to believe you intend to act in accordance with prescribed rules. In your letter of the 20th January, of this year, you induce me to think you are inclined to consult with me in this case of Russell & Co, and it is my wish to agree together in a settlement of this case; for should Messrs Russell & Co appear in the wrong, what benefit will a joint investigation in court give? At present I am not aware which course you prefer, or whether you desire me to send a deputy to consult with you before the Court is held. This case cannot be left open much longer, so I look for your reply.

From Hoo, Taotai
To Consul Shepard.

Mr. Shepard to the Taotai
No. 238. March 14th, 1879.

Sir:-

Your communication of the 13th instant, in regard to the coffin-wood claim of Messrs Russell & Co. is respectfully acknowledged. I have waited the arrival in Hankow of their Agent from Tientsin who transacted all the business there, before asking you to appoint a day for the investigation of the case. He is now here, and I have the honor to request you to fix an early time for the investigation, giving me three or four days in advance, and I will attend in person, with my Interpreter & Scribe to look after the interests of my countrymen, and take note of the proceedings. I will also have present, as witnesses, Messrs Russell & Co's Agent, and the two Chinese compradores who witnessed the papers; so you need give yourself no trouble about them. I shall also bring the documents and proofs. On your part I must make it an indispensable condition that Shin-Tou-Shan who borrowed Taels 200. and gave his Bond, be required by you to be present, that I may hear all he has to say. I shall only examine into the claim of Messrs Russell & Co for sums due them for the freight of the coffin wood, and the costs and expenses upon, and growing out of, the transaction.

You suggest a meeting with me before the investigation. We have already had several, and multitudes of letters have passed between us on the matter with no good result, and I see nothing to be gained by more delay and conference. Still, if you wish to meet me previous to the investigation I shall not object, but receive you with courtesy and treat you with respect whenever you may choose to appoint a time to call upon me.

I am, etc.

(signed) Isaac F. Shepard.

The Taotai to Mr. Shepard.

March 18th, 1879.

I am in receipt, on the 15th instant, of your letter, the contents of which are carefully noted. I would observe, as this case has been under discussion for over a year, and as it appears that until you have personally heard the evidence of Shin-Tou-Shan you will not allow that Messrs Russell & Co are in the wrong, therefore the parties should be summoned early. You state you will only hear the case of Messrs Russell & Co, therefore the complaint ~~made~~ of oppression made by widow Lee against the two compradores will be arranged by myself. At the time of hearing the case you state you will bring your Scribe, and the foreign merchant (Messrs Russell & Co's agent). With regard to this some arrangement must be come to: for whether the Court is held by a Deputy, or a Taotai, the judge's seat will be placed in the centre, and the foreign official's seat will be placed at a side place. As you, the Honorable Consul, are unable to speak the native language, I will make a concession and place a seat for the use of your Interpreter. The scribe being a native, and the foreign merchant the Plaintiff, they must stand during the time the Court is held.

Whether the Court is held at my Office, or another place, the two persons above mentioned cannot be allowed to sit in Court, and they can please themselves whether they attend during the whole of the time the Court is in session; but the rules of the Court must be carefully observed. The two compradores should be summonsed by me, but if they prefer to come with you and thus show contempt for the laws, I shall certainly punish them for such contempt after this case is settled.

An answer is looked for.

From Hoo, Taotai

To Consul Shepard.

The Taotai to Consul Shepard.
March 18th, 1879.

With reference to the complaint made by the widow of Lew against Wang Leao Foong and Shih Leao Yuen who together deceived and oppressed, thereby causing the death of two persons, as the petitioner has pressed for a settlement of the case, and as it has already been in question a considerable time, it can not be delayed any longer. Therefore I have determined to call Wang Leao Foong to my office to examine into the case closely. As Wang Leao Foong is in the employ of Messrs Russell & Co. I address you this letter asking you to send an officer with the bearer, who has a warrant to Messrs Russell & Co; so that Wang Leao Fong can be brought to my office.

This is important

From Hoo, Toatai
To Consul Shepard.

Mr. Shepard   to The Taotai.
No 239   March 18th, 1879.

Sir:-

I have your two communications of this date, the latest delivered by two Constables with a warrant demanding the arrest of the two men Wang Leao Fong and Shih Leao-Yuen. I wish to say most emphatically that this attempt is an outrage that I protest against throughout. You know, without any shadow of doubt, that the charge that they were in any way accessory to the death of the two men is both false and malicious. Its revival just now is peculiarly wicked. They were only the servants of American merchants who had no responsibility for the business of their employers. They are now important witnesses for my clients, as I have already notified you plainly, and your assumed support of this charge is a most flagrant attempt to intimidate them, and overrule justice. It is an insult to the Consul under whose care for the time they are, for which I hold you responsible. I notify you anew, that they are both taken under the protection of the United States Authority. and I shall guard them with all the dignity of the flag I represent, and shall take any further proceedings against them on your part in this matter as a predetermined offence both to me and my Government.

I once more urge you to fix a day for the examination of the case of Messrs Russell & Co against Shin Tou than which you profess to wish speedily settled. It is my duty to say that at the examination my Scribe, as well as my Interpreter, must have a seat where he can conveniently write, as I shall require every word of testimony taken in writing. Chinese custom must so far yield as to give facilities for this, and also for decency of treatment at least, to all my witnesses. This you ought to accord willingly, and this is the least I can demand, for my position.

I have communicated to His

Honor the British Consul that this case is solely one between the American Consul and the Chinese Authorities, and have requested him to take no steps to interfere with it by giving his sanction to the arrest of a witness under my protection.

I am &c,

(signed) Isaac F. Shepard

Mr. Shepard to Mr. Hughes (Brit. Consul)
No 240. March 18th, 1879.

Sir:—

I have been for many months attempting to settle a claim of some importance of Messrs Russell & Co against certain native Chinese, — growing out of cash paid for Advances, Duties, & Insurance, and for freights. As far as I can judge it is a fair and just demand; and not having been met, I have insisted on an Investigation in my presence, according to Treaty — stipulations. After some delay this has been decided at Peking to be my right, and the Intendant has been instructed to hold the examination. Two of the important witnesses, whom I have relied upon, are Chinamen — the Compradores of Russell & Co when the debts were contracted, and one of them is at present, I believe, in the employ of Mr. Carrigan, a British subject. The Taotai threatens to arrest these two men on a criminal charge, which I am positively certain is fabricated, and I have no doubt either to intimidate them, or to get them beyond my reach as witnesses. I have, therefore, the honor to request you to so far protect the man in Mr. Carrigan's employ, as not to lend your sanction to his arrest, at least until the Russell case is decided.

I am aware of the extent of the courtesy I ask; but I believe the friendly relations between our respective Governments, as well as justice will warrant it: and I am sure your personal friendship, so fully and often bestowed, will prompt you to grant my request if your views of duty allow it. Trusting for a future opportunity to reciprocate.

I am, etc,

(Signed) Isaac F. Shepard.

British Consul (Hughes); to Mr. Shepard.

No. 18. March 19th, 1879.

Sir:—

I have the honor to acknowledge the receipt of your despatch of yesterday's date, and in reply beg to assure you that I shall have much pleasure in complying with your request and refraining for the present to give my sanction to the arrest of Mr. Carrigan's compradore.

Having heard from you some time ago in conversation, of the pending case in which Messrs Russell & Co are plaintiffs, I at once replied to the Taotai, when he sent his warrant yesterday morning for the arrest of their former employees, that these men had been only acting as the servants of American citizens in a transaction which formed the subject of correspondence between the United States Consulate and himself, and I therefore declined to interfere.

I have now received another

Communication from the Taotai. — & pressing me to countersign the warrant for the arrest of the compradore in Mr. Carrigan's employment, but of course, under the circumstances, I shall decline to do so.

I have, etc,

(signed) P. J. Hughes.

The Taotai to Mr. Shepard.

March 20th, 1879.

I am in receipt of your letter of the 18th instant. It is usual for me in cases of investigations to issue summonses for the parties interested. With regard to the Compradores in question it is only my desire to summons them. I cannot account for your idea that it is an attempt at intimitation on my part against the Compradores. The inconvenience of Shin Tou Shan and the representative of the widow Lee, who have been detained by me, is much greater than that of the two compradores, who are summonsed for the purpose of receiving notice of the trial. Only concern for one side is not just. At the time of trial all witnesses are under charge of police officers who show them where they are to stay until called for by the judges, and on their evidence being needed to bring them into court. Should this plan not be carried out there will be confusion, from the persons not knowing when to come or retire. There is no wish on my part to look down on the witnesses. Should they not comply with the laws prescribed for the Court, I cannot allow them to go unpunished. The plaintiff against Wang Leao Foong and the other is a woman who is ignorant of outside affairs, who only learns, on the suit being brought against Shin Tou Shan by Russell & Co, that the wood has been disposed of dishonestly. Therefore she brings the suit. She cannot be accused of acting viciously.

Your request that Your Scribe be provided with a seat at the investigation cannot be allowed, as no one except the judge is provided with a seat in Court. My writer, who takes a note of the proceedings, stands by the side of a small table, and your copyist can be provided for in the same way. Should your head scribe be unable to copy in this way you can secure the services of a copyist. At the open Court it is only intended to take down the evidence of Shin-Tou-Shan, and afterwards to retire and consult with you, the Honorable Consul; so you will not be put to inconvenience by not having your head writer present. I have issued a new summons to be carried out off the premises of the foreign merchants, and after all the persons are summonsed, I will appoint a time for the investigation.

You need not concern yourself about the Compradore who is in the English firm's employ.

I await your reply.

From Hoo, Toatai.
To Consul Shepard.

The Taotai to Consul Shepard.

March 27, 1879.

On the 20 instant, I addressed you a note with regard to the joint investigation under discussion, to which I have received no reply, which I earnestly look for. As it is your wish that an investigation be held, it will be satisfactory to you to have an early day fixed upon. Arrangements have been progressing during the past few days. Wang Leao Foong has been summoned through the police: but there is one question not settled as yet: that is, the providing a seat for your Scribe. If you will consent to the place is stated in my letter of 20th instant, I can then, either on the 29th, or 30th instant summons (others) and afterwards will give you notice of the time fixed for the investigation.

A reply is earnestly desired.

From Hoo, Taotai,

To Consul Shepard.

Mr. Shepard to the Taotai

No. 244. March 28th, 1878.

Sir:—

Your two communications of the 20th & 27th instant are both received. I have nothing to alter in, or add to, my letters regarding the investigation of Messrs Russell & Co's business. I must have a seat for my Scribe near me, for I must have a true record of the testimony taken by my own writer. The two Compradores formerly employed by Messrs Russell & Co are my witnesses, and I shall have them present. You need not summon them, and have no right to interfere with them. If you cannot give the accommodation I ask, then you can come to this Consulate to hold the investigation, where all conveniences will be ready. I again earnestly intreat you to appoint a time for the examination without further vexatious delay.

I am, Sir,

(signed) Isaac F. Shepard.

The Taotai to Mr. Shepard.

March 30th, 1879.

I am in receipt of your letter of 28th instant, contents noted. With regard to the joint investigation case under discussion, it has been agreed between the Foreign Board and your Honorable Minister, that I should hold the Court and invite you to attend. There is no mention made of my bringing proofs and hearing the case at your office. Should we be inclined to act as you request I fear we would not be carrying out the wishes of the High Authorities; therefore it will not be convenient for me to hold the Court at your office. As this case has been in dispute a considerable time, would it not be well to forward copies of the correspondence to the High Officials, and await their instructions, and then act upon them! Or would you prefer to have me send an officer to your office, who could explain, and then we could act. In my last I stated I would summons the parties on the 30th. This I have concluded not to do.

I look for your reply at an early day.

From Hoo, Taotai,
To Consul Shepard.

The Taotai to Mr. Shepard.

April 4th, 1879.

I addressed you on the 30th March, and as yet have no reply. Should I hold the investigation at my office it will be impossible for me to provide your Scribe with a seat. Should I come to your office to hold the trial I fear we will not be carrying out the wishes of the High Authorities. How do you propose to act! Can I send an officer to your office to explain!
Your reply is earnestly looked for.

From Hoo, Taotai,
To Consul Shepard.

Mr. Shepard to the Taotai

No. 246. April 4th, 1879.

Sir:—

I have your last two letters in the matter of Russell & Co. I answer, I do not wish any interview on the subject with any person before the investigation is held, and I again urge you to appoint a day for it as speedily as possible. You have been ordered to hold it, you have repeatedly professed to desire to settle the case without delay, and yet you alone have retarded it for nearly two years. I trust you will make no more frivolous delays, but appoint a time for the hearing at once.

I am, etc.

(signed) Isaac F. Shepard.

The Taotai to Mr. Shepard.

April 5th, 1879.

In reply to your letter in which you state you will come to my office to hear the case of Messrs. Russell & Co., and further, as you do not appear to insist on any particular place where the Court is to be held, I have concluded to make the following arrangement i.e. to place a screen behind which your Scribe can sit, and thus the rules of the Court will not be violated.

I have to ask that you will send your Interpreter to my office on the 7th instant at 3 p.m. to have a look at the Court Room; and if it proves satisfactory then I will name the 8th instant at 3 p.m. as the time to hold the Court.

From Hoo, Taotai
To Consul Shepard.

Mr. Shepard to the Taotai.
No. 247. April 5th, 1879.

Sir:—

Your communication of this date is received. Mr. Jenkins will visit your ~~visit~~ Yamun on Monday the seventh instant, as you request.

I am, etc,
(signed) Isaac F. Shepard.

The Taotai to Mr. Shepard.
April 7th, 1879.

This day Your Interpreter called to see the place where the investigation was to be, but he stated the place was not suitable. So the day for holding the investigation must be changed.

Your Interpreter also states that at the examination you certainly would ask questions, and also said you would require your seat to be placed on an equality with mine. I am not aware if that is your wish. I wait your reply (before acting).

From Hoo, Taotai.
To Consul Shepard.

Mr. Shepard to the Toatai

No. 248 April 12th, 1879.

Sir:—

In answer to your last communication and the conference with my Interpreter in the matter of Russell & Co., I have to reply.

I must be received and treated as of equal rank and honor with yourself, and be so seated as to indicate it.

I must, in the interests of justice, watch the proceedings, and see that a fair trial is had, by offering any testimony in my control, cross examine witnesses, and ask any questions necessary to bring out the truth. To this end it is absolutely necessary that my Interpreter and my Scribe shall be present, and with the necessary accommodations to aid me. After all this is done the case will be in your hands to decide and pass judgment, and I neither ask nor expect any consultation from you in the matter. But facilities for a just examination, and the record of the testimony by my own agents are indispensable, as in case I am not satisfied with your decision, I must appeal the matter to the High Authorities at Peking, with all the proofs. I ask you only what is essential, and what you should grant without cavil, and I cannot retreat from my position in the least.

I trust you will arrange all at once, and thus set the case at rest, as far as you can do.

I am, etc,

(signed) Isaac F. Shepard.

The Taotai To Mr. Shepard.
April 14th, 1879.

In reply to your last letter, I would say, the placing of two seats along side of yours, for your Interpreter and Scribe (as shown to the Interpreter on the 7th understood) is a concession on my part to meet your views. With regard to your wish to have your seat placed alongside of the judge's seat (a point insisted on by the Interpreter at the interview as only showing proper respect to the Consul, and due to his rank) and also your request that your Scribe be provided with a seat near you, are violations of Rules prescribed by my Court which cannot be allowed. Further the request that the presiding judge be asked by the Foreign Officer present, to cross-examine the parties testifying, will give the native being questioned a chance to insult the foreign officer, This, if done, would not be showing you the proper respect on my part. My only desire for the naming of a day for the examination, is that the case in question may be closed at an early date. (Perhaps the Taotai means to say "I am desirous to name a day")

As there is a difference in the forms of the joint investigations "Niwei sung" and "Kuan sung", there are several points which I cannot grant you.

This refusal on my part to meet your views I hope you will not take as an idea of mine, as I am unable to change Regulations.

From Hoo, Taotai
To Consul Shepard.

(The words in brackets are introduced by the translator in explanation of the phraseology of the original text.)

Despatch No. 460.
Inclosure 2.

Mr. Seward to Mr. Shepard.
No. 67. July 23rd, 1879.

Sir:—

Mr. Holcombe has placed in my hands your despatch, No. 30, relating to Messrs Russell & Company's claim against Shen Tou Shan, and I have to advise you that I approve of the position taken up by you and more particularly stated in your despatch to the Taotai of April 12th, number 298, in regard to the conduct of the trial.

I shall seek an early opportunity to speak with the Ministers of the Foreign Office on this subject and shall advise you of the result. In the meantime the business should remain in abeyance.

At some future time I may be able to explain to you fully the reasons which have induced our Government to adhere to the proposition that civil cases arising between our people and the Chinese should be tried in the defendant's court, and to expect that better results will be secured in that way than by attempting joint-trials. A main reason, as I may explain, is that there can be no such thing as an effective joint Court where there is no common code or body of law to be appealed to. The Taotai sitting with you as co-jude, could add nothing to your authority or power, and neither can you add anything to his when sitting with him. You may assist one another to develop facts and to reach conclusions as to facts, and possibly, as to the application of the law, but you cannot do more.

I may say to you further that this subject is one in which I have taken much interest, and that I have already arranged for the discussion of it in all its aspects by the Diplomatic Body here. It is quite possible under these circumstances that I may not find it desirable, at the moment, to carry my representation to the Foreign Office to an extreme point.

I am, etc.

(signed) George F. Seward.

P. S.

Will you allow me to suggest that there is a certain warmth in some of your letters to the Taotai which, however vexatious may have been his action, is calculated to produce irritation on his part and to interfere with the ready adjustment of the matter here.

Mr Adee
Col. Morgan

Department of State
SEP
29
1879
Received

One Enclosure.

Legation of the United States.
Peking, July 26th. 1879.

Chester Holcombe to
the Secretary of State.

Subject.

Salary account.

Synopsis.

Mr. Holcombe forwards a duplicate of his salary account for the quarter ended June 30th. 1879.

T.M.

One Enclosure.

Legation of the United States.
Peking, July 26th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Recurring to my despatch of the 15th instant, I now have the honor to hand to you a duplicate 1 statement of the account for my salary which it contained.

I have the honor to be,
Sir,
Your obedient servant
Chester Holcombe

Enclosure

Enclosure.

1. Duplicate statement of Mr. Holcombe's salary account for the quarter ended June 30th, 1879.

Mr Adee
Col. Morgan

No. 461. One Enclosure.

Legation of the United States.
Peking, July 26th, 1879.

DEPARTMENT OF STATE
SEP 29 1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Salary account.

Synopsis.

Mr. Seward forwards a duplicate of his salary account for the quarter ended June 30th, 1879.

T.M.

No. 461. One Enclosure.

Legation of the United States.

Peking, July 26th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch, number 455., I now have the honor to hand to you, herewith, a duplicate statement of my salary account for the quarter ended June 30th, 1879. 1/461.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure.

Enclosure.

1. Duplicate statement of Mr. Seward's salary account for the quarter ended June 30th, 1879.

Mr Adee
Col. Morgan

No. 462. One Enclosure.

Legation of the United States.
Peking, July 26th. 1879.

DEPARTMENT OF STATE
SEP
29
1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Legation rent account.

Synopsis.

Forwards duplicate statement of the rent account for the quarter ended June 30th, 1879.

No. 462. One Enclosure.

Legation of the United States.
Peking, July 26th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Recurring to my despatch, number 456. I now have the honour to hand to you, herewith, 1/462. a duplicate statement of the rent account of this Legation for the quarter ended June 30th, 1879.

I have the honour to be.
Sir,
Your obedient servant.
George F. Seward

Enclosure.

Enclosure.

1. Duplicate statement of the Legation rent account for the quarter ended June 30th. 1879.

Ack – 16 wadn

No. 463. **One Enclosure.**

Legation of the United States.
Peking, July 29th, 1879.

DEPARTMENT OF STATE
SEP 22 1879
RECEIVED

George F. Seward to
the **Secretary of State.**

Subject.

Good offices of U. S. Consuls in Cuba.

Synopsis.

Mr. Seward refers to Mr. Holcombe's despatch, number 94, and to the instruction, number 285, of the Department in response, and encloses a copy of a despatch which he has addressed to Prince Kung.

No. 463. One Enclosure.

Legation of the United States.
Peking, July 29th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Recurring to Mr. Holcombe's despatch, number 94, which informed you of a request from the Chinese Government for the good offices of our Consuls in Cuba in behalf of the Chinese resident in that island, and to your instruction, number 285., in response, I now have the honor to enclose, herewith, a copy 1/463 of a despatch which I have addressed to Prince Kung & informing him that, with certain limitations, our Government has pleasure in granting his request.

I have the honour to be,
Sir;
Your obedient servant,
Geo. F. Seward

Enclosure.

1. Mr. Seward to Prince Kung.
18/1879. July 10th, 1879.

Despatch No. 463.
Inclosure.

18/1879

Mr. Seward to Prince Kung.

July 10th, 1879.

Upon the 14th of December last, Y. I. H. addressed a despatch to Mr. Holcombe in which you enclosed a copy of the Chinese text of a Convention between the Governments of China and Spain, and which had recently been ratified by Their Majesties the Emperor of China and the King of Spain. Y. I. H. asked Mr. Holcombe to communicate this Convention to the Government of the United States, and requested that its Consuls resident in the island of Cuba be instructed to extend their good offices as occasion might arise to secure the faithful observance of the stipulations of the Convention.

Upon the 21st of the same month, Mr. Holcombe informed Y. I. H. in response that he would at once communicate your request to the Honorable Secretary of State, and that upon receipt of his instruction in the premises, he would again address Y. I. H.

Referring to this correspondence, I now have the honor to inform Y. I. H. that the Government of the United States will with pleasure direct its Consuls in the island of Cuba to use their good offices, unofficially for the protection of Chinese laborers under the treaty, if appealed to by the latter, and with the consent of the authorities of the island, until such time as the Chinese Government shall establish Consular representatives there.

I have, etc,

(Signed) George F. Seward.

File.

W. Adee

FOREIGN Relations 79

DEPARTMENT OF STATE
SEP [illegible] 1879
RECEIVED

No. 464. One Enclosure.

Legation of the United States.
Peking, July 29th. 1879.

George F. Seward to
the Secretary of State.

Subject.

Judicial procedure in mixed cases.

Synopsis.

Referring to his despatch, number 451, Mr. Seward incloses a copy of a circular which he has addressed to our Consuls in China asking for information.

No. 464. One Enclosure.

Legation of the United States.
Peking, July 29th. 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

In my despatch number 451. I informed you that the Diplomatic Body here had decided to take up certain general questions of great public interest for discussion in September next.

As a preparatory step, I have thought best to request our Consuls in China to furnish me full information regarding the course heretofore followed by them in civil cases arising between Chinese and our people. I have also asked them for their opinions as to whether the system of trial of such cases in Mixed Courts, or in the Court of the Defendant, is preferable.

I have the honor to hand to you, herewith, a copy of my circular
1/464. requesting the information indicated above.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward

Enclosure.

1. Circular to Consuls in China.
July 26th, 1879.

Despatch No. 464.
Inclosure.

Circular to the Consuls of the United States in China.

July 26th, 1879.

Will you be so good as to prepare careful answers to the following questions, and to transmit them to me at your earliest convenience.

"A" What is the practice at your Consulate in civil cases arising between Chinese and our people? Are such cases tried by the officer of the defendant, or by the Consul and a native officer sitting as a Mixed Court?

"B" If by the officer of the Defendant, what native official sits for the trial in cases where a Chinese is the defendant.

"C" Are the Courts so held open for the personal appearance of the plaintiff and of his witnesses?

"D"

"D" does the Consul attend, and if so what position is given him as to seat, etc., and what part does he take in the proceedings?

"E" If the Consul attends does he take an Interpreter? If so, what position is given to the Interpreter?

"F." Is a full and accurate record made of the pleadings, and of the proceedings of the Court?

"G" If so, by whom is the record made, and if by the native assistant of the foreign Interpreter, what position is assigned to him?

"H" Is the record made in English and Chinese? If so, how are such records, or any which are made, certified to?

"I" To what Court do appeals from the decision of the native officer lie?

"J"

"J" If trials are in Mixed Courts, what native officer acts?

"K" What positions are assigned to the Consul and those with him?

"L" What records are made, and how are they made?

"M" What law is taken as binding upon the Court?

"N" How are judgments enforced?

"O" To what Court do appeals lie?

"P" Generally, is it the practice of other Consuls at your port, to sit in Mixed Courts, or is the system of trial in the Court of the Defendant preferred?

"Q" Have you any opinion as to which is the preferable procedure? If so, will you be so good as to state it as fully as possible.

Will you please add, also, any remarks on the general subject which may appear appropriate to you.

It is particularly desired that your answers may be here by the middle of September.

I am, etc,

(signed) George F. Seward.

File

Ack 76

made

No. 465.

Legation of the United States.

Peking, July 30th, 1879.

DEPARTMENT OF STATE
SEP
22
1879
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Russell & Co. *versus* Shen Low Shaw.

Synopsis

Mr. Seward has brought this case again to the notice of the Foreign Office, which has promised to send further instructions to the Chinese Authorities at Hankow.

No. 465.

Legation of the United States.
Peking July 30th. 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

In reference to my despatch, number 460, in which I forwarded to the Department certain additional correspondence in the case of Messrs. Russell & Company versus Shen Low Shan, at Hankow, I now have the honor to inform you that the business has again been brought to the notice of the Foreign Office. The Ministers readily agreed to send a further instruction to their local authorities concerned, directing them to confer with Mr. Consul Shepard with a view to bringing the case to an early conclusion.

As the question of judicial procedure is involved in this case, and as that question is likely to come up for discussion with this Government at no distant day, it did not seem advisable to do more at this moment than to call the attention of the Foreign Office to this case with the request that some action might be taken looking to a settlement.

I have the honor to be,
Sir,
Your obedient servant,
Geo. F. Seward

Mr Adee

File/

No. 466.

Legation of the United States.
Peking August 1st, 1879.

DEPARTMENT OF STATE
SEP
29
1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions, numbers 306. and 307., and circular of May 29th have been received.

No. 466.

Legation of the United States.
Peking, August 1st, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have had the honor to receive your instructions, numbered 306. and 307. and Circular, dated May 29th in relation to leaves of absence of the diplomatic and consular officers of the United States.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

Mr Adee to draft answer

~~✓ See instructions to Mr Seward dated Nov. 7. 1879. AAA~~

Mr Adee

No. 467. **Four Enclosures.**

Legation of the United States.
Peking, August 1st, 1879.

DEPARTMENT OF STATE
SEP 29 1879
RECEIVED

George F. Seward to
the **Secretary of State.**

Subject.

Chinese emigration.

Synopsis.

Mr. Seward reports the satisfactory result of his interviews with the Foreign Office upon this subject.

No. 467. Four Enclosures.

Legation of the United States.
Peking, August 1st, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I had the honor to inform you, on the 21st ultimo, that I had spoken with the Ministers of the Foreign Office in regard to the situation created in our country by the immigration of their people, that they had listened to my statements with marked attention, and had responded that they would consult with Prince Kung, and grant me a further interview at an early moment.

On the 26th ultimo, the full body of Ministers, the Prince excepted, came to the Legation and a conversation ensued which is set forth in the letters which have since passed between Prince Kung and myself, copies of which I

1./ 2./ enclose herewith.

3./ 4./ 467. In regard to these letters I should say at once, that it was not my purpose to enter upon a correspondence, but finding that the Chinese were intending to bring forward, in writing, intimations of anxiety as to the treatment of their people in California, I had no alternative but to take the initiative.

While the business has thus been given a more formal character than I proposed, we are now at any rate, in full possession of the views of the Chinese.

You will see that they assert the obligations of existing treaties, that they are anxious about the condition of their people in California, and that they are disposed to deal at once, with the grievances which they believe can be justly urged by us, namely, those growing out of the arrival upon our shores of criminals, lewd women, & diseased persons, and contract laborers.

You will notice also that I have by no means confined my representations to the matter of contract emigration, and that I have pointed in a pertinent way to further representations which we may find it necessary to make.

While this is true, I am compelled to say that it is not, in my judgment, desirable to press the Chinese further at the moment. In so declaring, I do not concern myself with the question whether, as a matter of principle, we can see our way to exclude free emigration. That, of course, must be determined at home. But I am clearly of opinion that, if such a proposal is to be advanced, it will come more opportunely after we have observed the effect of the restrictive measures, under the treaty, now open to us. Such delay will give time for the irritation produced by recent events in America to pass away, and will demonstrate our desire to take no extreme steps unnecessarily. And, as I have heretofore pointed out, we cannot hope for the success of purely diplomatic recourse, unless we approach the Chinese from the standpoint of respect. Such a negotiation, instituted under the most favoring circumstances, would have to be conducted with carefulness, and it would consume much time, for it would involve all our relations and their readjustment on a basis of reciprocity.

I have not thought that I am authorized to enter upon a discussion of details for the suppression of contract emigration, etc. It might mislead the Chinese if I should do so, and it might embarrass you. I may say, however, that the system which the Chinese may be brought to agree to would provide for the examination by Chinese officials, at Canton or elsewhere, of all persons proposing to emigrate. To give it effect, we would have to provide qualified and trustworthy officers, deputies of the appropriate Consuls, to take part in the examinations, and to instruct the Consul at Hongkong, or other point of departure, to pass for emigration no Chinese not provided with certificates from the examiners. We should need no legislation perhaps, excepting appropriations for the pay of such officers.

I mean no disrespect for the Consuls who have served at

Hongkong, when I say that their examinations of persons proposing to emigrate have not been efficient. Such work, as I know by personal experience, can be done thoroughly only by the Chinese themselves.

It is not possible to estimate accurately the effect upon the general movement of the Chinese to America, which would result from the adoption of this system, but I believe that it would be important. Taken with the usual return flow of emigrants, it seems to me probable that it would occasion a gradual diminution of the number of Chinese in our country.

Touching the inquiries of the Ministers as to recent & legislation in California and the ill treatment of their people, I should say that it became evident at an early moment that I could not hope to escape from such questions. It was equally evident that I could not do otherwise than respond in a frank and outspoken & manner. It is more than likely that my course may have saved you from the presentation at Washington of more pertinent and positive questions.

I am still without the means to prosecute the inquiry regarding contract emigration which I was instructed to make by your dispatch, number 296., and I should hesitate to undertake it at the moment, if I could, lest it might stir up unnecessary discussions, and interfere with future negotiations. Perhaps the occasion for it has passed.

I shall feel no great anxiety as to my ability to secure a draft of satisfactory rules for the guidance of examiners at Canton, or elsewhere, if you instruct me to do so.

Do so subject to approval &c.

Recognizing the importance of this business, I have dealt with it carefully and to the best of my ability. That all has been accomplished which has been proposed cannot be said. That much has been done, I feel to be true, and I know that our people in this part of the world, merchants and missionaries, would be much reassured if they could know even that the disruption of our relations with China may be averted.

I look with anxiety for your further instructions, and shall feel greatly relieved if they indicate a more or less perfect approval of my course.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward,

Enclosures.

Enclosures.

1. Mr. Seward to Prince Kung.
20/1879. July 30th, 1879.
2. Prince Kung to Mr. Seward.
21/1879 July 31st, 1879.
3. Prince Kung in response.
22/1879. July 31st, 1879.
4. Mr. Seward in response.
23/1879. August 1st, 1879.

Despatch No. 467.
Inclosure 1.

20/1879.

Mr. Seward to Prince Kung.

July 30th, 1879.

Sir:—

At interviews held with the Ministers of the Foreign Office on the 16th and 19th instant, I had the honor to place before them, by instruction of my Government, a statement concerning the situation created in the United States by the immigration of large numbers of your people, including many who may be classed as criminals, lewd women, diseased persons, and contract laborers, indicating that the moment has arrived for the two Governments to study the subject with a view to arrive at an understanding which will be mutually satisfactory.

The Ministers listened to my statement with great courtesy and attention, and after consulting with Y. I. H., they were so kind as to come to our Legation and to say that they do not think it strange in view of my explanations, that the immigration of your people is the occasion of difficulty, and that, without entering further upon the discussion of the question at the moment, they are prepared to meet our wishes so far as to undertake at once to concert measures with us to suppress the emigration to our shores of the four classes mentioned above.

It becomes my duty to communicate this result of my representations to my Government, and in order that I may do this in a more precise manner, I now beg leave to ask Y. I. H. to confirm in writing what I have written above.

I seize the occasion to repeat to Y. I. H. the statement which I made to the Ministers, that my Government prizes very highly the good relations which have always existed between our two nations, and will appreciate the very frank and considerate manner in which Y. I. H. and the Ministers of the Foreign Office have dealt with us.

I have, etc.

(signed) George F. Seward.

Despatch No. 467.
Inclosure 2.

21/1879

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

The emigration of Chinese to California for purposes of labor is provided for in our treaties. I hear that the respectable, educated, and mercantile classes in that State are kindly disposed towards our people, but that low class Irish and persons of that sort persistently abuse them. Heretofore they have contented themselves with insulting and beating the Chinese, but now they pursue them to their dwellings which they plunder and burn, and they threaten employers, thus preventing the employment of our people. New ordinances such as those in regard to cubic feet of air, forbidding the return to China of buried bodies, not allowing Chinese to testify in Courts, cutting their queues, and requiring security, have been enacted, which are oppressive, and they provoke the gravest fears from myself and the Ministers.

Recently a despatch was received from Mr. Yung Wing, Assistant Chinese Minister to the United States, stating that an anonymous letter had been addressed to the Chinese Consul at San Francisco denouncing the anger of many upon him for his efforts to protect our people, and threatening his life.

A copy of the new Constitution of California has also been received from Mr. Yung Wing. It contains provisions inserted expressly for the purpose of obstructing the Chinese. If this be true, it will not only prevent our people from going to California, but will also produce constant distress among those who are now there. The Prince and Ministers are wholly at loss to understand the occasion of all this.

The Ministers recently spoke to Y. E. about the Chinese in California, and asked you whether your Government would consent to the present treatment of our people there, and to the adoption of a

State constitution at variance with the Constitution and treaties of the United States, or whether it cannot protect them in accordance with the treaties. You responded that the new Constitution was adopted by the State of California, and that, if it is in conflict with the Constitution and treaties of the United States, under your system where the Departments of Government are very distinct, any cases arising would go to the Courts, and such parts of the new constitution as were in conflict with the Constitution of the United States and its treaties with foreign Powers would be declared null and void.

We are glad to see from this that the Government of the United States, has no intention to oppress our people. But in case of a Chinese suffering wrong, even though thereafter he secures redress through the Courts, he still will have been put to inconvenience. Prevention of wrong is better than redress.

Y. E. also remarked that if

measures were taken by us to prevent the emigration of criminals, lewd women, diseased persons, and contract laborers, your Government would labor under less embarrassment in protecting our people.

I now have the honor to request Y. E. to transmit this summary to your Government, with the request that it will take energetic measures to protect our people in peace, in pursuance of treaty obligations, and as a proof of friendly feeling.

And I beg that after perusing carefully these extracts of recent conversations you will inform me whether they are correct.

Honorable George F. Seward.
&c. &c. &c. &c.

Peking, July 31st, 1879.

Despatch No. 467.
Inclosure 3.

22/1879. Prince Kung, Chief Secretary of State for Foreign Affairs herewith makes a communication in reply.

I have had the honor to receive your despatch of the 30th instant stating that by instruction of your Government you had placed before the Ministers of of the Foreign Office a statement of the situation created in the United States by the immigration of large numbers of Chinese including many who may be classed as criminals, lewd women, diseased persons, and contract laborers, indicating that in the opinion of your Government the time had come to study the subject in order to arrive at a satisfactory understanding. You add that the Ministers of the Foreign Office, after consultation with me informed You that they are prepared to meet the views of your Government so far as to undertake at once to concert measures to suppress the emigration to your shores of the four classes named above. And you add that it becomes your duty to communicate to your Government the result of your representations, and in order to do this in a more precise way, you ask me to confirm in writing what has been said, etc. etc.

In responce I beg leave to observe that the emigration of Chinese to the United States for purposes of labor is provided for in our treaties. It is the province of China to see that each person goes of his own free will and accord. And it is the duty of the United States under the treaty to protect the Chinese who may go thither. Inasmuch as your Government meets with certain difficulties in connection with this immigration, it is proper to consult some satisfactory line of action concerning criminals, lewd women, diseased persons, and contract laborers. Leaving aside the first three named classes, I understand the phrase "contract laborers", to include all persons who are allured to go abroad.

I

I am ready to meet the wishes of your Government so far as to prevent the emigration of the four classes named above as a measure of friendship and goodwill. The foregoing is, however, only an agreement in general terms. It will, of course, be necessary, hereafter, to draw up rules in detail for mutual observance.

In regard to the Chinese who have already gone to the United States, it is presumed that your Government will use every exertion to protect them in their treaty rights, to the end that no break may ever arise in the mutual friendship of the two nations.

Honorable George F. Seward.
&c. &c. &c. &c.

Peking, July 31st, 1879.

Despatch No. 467.
Inclosure 4.

23/1879. Mr. Seward to Prince Kung.
August 1st, 1879.

I have had the honor to receive Y. I. H.'s despatch of yesterday setting forth information which you have received from your Agents in the United States of the ill-treatment of your people, referring to the anxiety caused more particularly by the new Constitution of California, and quoting a report made to you by the Ministers associated with you in the Foreign Office of a conversation which they have held with me on the subject.

When the Ministers spoke to me, I responded substantially as they have stated, but more fully, although I could not of course know the details of the grievances alluded to. The Ministers received what I said, as they have always done on like occasions with indications of abiding faith in the integrity and generosity of my

Government. They know that for many years your people have been going to America in large numbers, sometimes at the rate of 20,000 in a year, and that down to the present moment, they have been accorded all the opportunities which our own citizens possess to prosecute the various avocations of life and to enjoy the fruits of their labors. Isolated instances of ill treatment and unfriendliness have undoubtedly occured, but it is to be said that it is not easy for a government to give perfect protection to its own people and that the task is greater when those affected are strangers of different language and habits of life.

In speaking with the Ministers I asked them to remember these things and to consider also what difficulties you would encounter if our people should pour in upon you in a similar manner.

The new Constitution of California is a local law as distinguished from the laws of the general Government. As such it must yield of course when found to be in conflict with the latter or with treaties with other Powers. How far it may be in conflict will be developed gradually in the decisions of the Courts. These are open to your people for the redress of wrongs public and private, and while the process is slow it is the most certain one which Western Governments have been able to develope. Perhaps your people, not altogether familiar with our system, and until recently having no representatives of their nation present have not always sought the redress open to them.

Doubtless some part of the hostility to your people, which has grown up lately in the midst of what I may rightly describe as general friendliness, may be traced in some measure to the fact that in spite of all our efforts to prevent their coming, many criminals, diseased persons, lewd women, and contract laborers have arrived upon our shores, and given our people false ideas of the character of yours. I hope that your prompt tender of concerted action to prevent the emigration of such persons will be productive of much good.

My Government is disposed to study the whole subject of our relations in a thorough and generous manner. I know that I am not wrong in reporting to the President that your disposition is the same, and that you will always give a candid hearing to the representations which from time to time we may find it necessary to make, as we shall do to your representations, and that our mutual object will be the righting of grievances and the adjustment of relations in an honorable and satisfactory manner.

I am,

Y. I. H's humble servant.

(signed) George F. Seward.

File

Ack Jl.

r Adv

No. 468.

Legation of the United States.
Peking, August 2nd, 1879.

DEPARTMENT OF STATE
SEP
29
1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Trans Pacific cable enterprise.

Synopsis.

Mr. Seward, for reasons stated, has approached the Foreign Office upon this subject. The Ministers will do nothing at the moment, but Mr. Seward is of opinion that whenever the scheme becomes practical their consent to land a cable in China may be gained.

No. 468.

Legation of the United States.
Peking, August 2nd 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

You are aware from Mr. Holcombe's letters that a promotor of a trans-Pacific cable has been in Peking, and that his proposals have formed the subject of an instruction from yourself.

The gentleman in question applied to me for assistance in his scheme soon after my arrival, and he is still here impressed with the magnificent object which he has set before him, and unable, as it seems to me, to appreciate the great difficulties which must be encountered before so expensive a work can be carried out.

His object, of course, has been to obtain a concession or charter from the Chinese in which his name should appear. Looking to your instruction, and to the general rule applicable to such cases, I have told him that we cannot forward his interests in such a manner.

Believing, on the other hand, that it is not desirable that the statement should go forth that the Department and this Legation are indifferent in a matter of so grave importance, and knowing that Mr. Cyrus Field has the same project under consideration, I have spoken to the Foreign Office in a very general way on the subject of telegraphs, and while it is evident that they would find difficulty in granting permission to any one, or under any circumstances, to land a cable, I cannot doubt that such permission could be secured, more particularly as the "Great Northern" telegraph has long been in operation at Shanghai, and has been acknowledged in practical ways by the Chinese.

I have so stated the situation to the projector of the trans-Pacific line, and it is likely that he will now proceed to Japan, to see what he can accomplish there.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

Ack
C. P.
made

noted

No. 469.

Department of State
NOV 4 1879
RECEIVED

Legation of the United States.
Peking, September 4th, 1879.

George F. Seward to
the Secretary of State.

Subject.

Forwards Customs Medical Reports.

Synopsis.

Mr. Seward forwards two copies of Medical Reports for the half year ended March 31st, 1879.

No. 469.

Legation of the United States.
Peking, September 4th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to hand to you herewith, under separate cover, two copies of "Medical Reports, for the half year ended 31st March, 1879.", published by order of the Inspector General of Chinese Customs.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Ack Acknowledged November 7 -

made

No. 470.

Legation of the United States.

Peking, September 4th, 1879.

Department of State
Nov 4 1879
Received

George F. Seward to the Secretary of State.

Subject.

Forwards Customs Reports.

Synopsis.

Mr Seward forwards two copies of Customs Gazette No. XLII., April — June. 1879.

No. 470.

Legation of the United States.
Peking, September 4th 1879.

Honourable William M. Evarts.
Secretary of State.

Sir:—

I have the honour to hand to you herewith, under separate cover, two copies of the "Customs Gazette "No. XLII. April–June, 1879." as published by the Inspectorate General of Chinese Maritime Customs.

I have the honour to be,
Sir,
Your obedient servant.
George F. Seward.

5

File

Ack. made

No. 471. Two Enclosures.

DEPARTMENT OF STATE
NOV 4 1879
RECEIVED

Legation of the United States.
Peking, September 9th, 1879.

George F. Seward to
the Secretary of State.

Subject.

Courtesies extended to the Peruvian Minister.

Synopsis.

Mr. Seward forwards a letter from Mr. Elmore conveying his thanks for the courtesies recieved from this Legation.

No. 471. Two Enclosures.

Legation of the United States.
Peking, September 9th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to hand to you, herewith, a copy of a letter which I have received from Mr. Elmore, the Peruvian Minister at this Court, expressing his appreciation of the hospitality extended to him by this Legation during the last year. 1/471.

I have the honor to be,
Sir, Your obedient servant.
George F. Seward

Enclosures.

Enclosures.

1. Mr. Elmore to Mr. Seward
August 27th, 1879.

2. Mr. Seward in response.
September 9th, 1879.

Dispatch No. 471.
Inclosure 1.

Copy. Peking, August 27, 1879.

To

His Excellency George F. Seward.
etc. etc. etc. etc.

Sir:–

When I returned from Peru to Peking last year, you were on the point of departing for the United States on leave, and you, and also your Secretary of Legation, Mr. Chester Holcombe, who remained as Chargé d'Affaires, invited me to occupy your house during your absence. Since your return I have also had the honor and the pleasure of enjoying your hospitality.

As I shall leave for the South within a short time, I take this opportunity to express to you and to Mr. Holcombe my profound gratitude for the privilege which it has been my fortune to enjoy, of occupying for one whole year the Legation of the United States, a courtesy which my Government will duly appreciate; and I wish especially to express my acknowledgment of your goodness and uniform kindness to me, and my sincere thanks for your kind hospitality and your friendly sentiments to Peru and the Peruvian Representative in China.

I beg to renew to Your Excellency the assurances of my highest consideration and of my personal regard.

(Signed) J. F. Elmore.

Despatch No. 471.
Inclosure 2.

Mr. Seward to Dr. Elmore

September 9th, 1879.

Sir:—

Your very kind letter of the 27th of August, has been received by me.

It has been a great pleasure for both Mr. Holcombe and myself to do what has been in our power to make your residence in Peking as agreeable as we could, and if we have in any way contributed to this end, we shall feel that we have not only carried out the promptings of the sentiments of regard for yourself but also contributed as our Government would wish to the maintenance of friendly relations with the Government of your country.

I have, etc.

(signed) George F. Seward.

File

Ack. F.R.

made

No. 472. One Enclosure.

Legation of the United States.
Peking, September 9th, 1879.

DEPARTMENT
NOV 4 1879
RECEIVED

George F. Seward to the Secretary of State

Subject.

Chinese emigration to the United States.

Synopsis.

Mr. Seward forwards a statement of the emigration from Hongkong to California for the year ended June 30th, 1879. A small emigration is expected for the remaining six months of the calendar year.

No. 472. One Enclosure.

Legation of the United States.
Peking, September 9th. 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to hand to you herewith a copy of a despatch which I have received from the Consul at Hongkong reporting the number of emigrants to San Francisco which left his port during the year ended June 30th. 1879. 1/472.

I anticipate a very light emigration for the remaining months of the calendar year.

I

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward

Enclosure.

1. Mr. Mosby to Mr. Seward
No. 53. August 22nd, 1879.

Despatch No. 472.
Inclosure.

Mr. Mosby to Mr. Seward.

No. 53 Hong-Kong, August 22nd, 1879.

Sir:—

In compliance with the request contained in your letter of the 12th, ultimo, I enclose herewith a statement of the number of Chinese Emigrants male and female, who have left this port for San Francisco during the year ended June 30th 1879, as shown by the records of this office.

I have, etc,
(signed) J. S. Mosby.

Statement of male and female Chinese Emigrants hence to San Francisco month by month for the year ending June 30th, 1879.

1878					Total
July	102	Males	14	Females	116
August	120	"	23	"	143
September	20	"	0	"	20
October	134	"	37	"	171.
November	137	"	8	"	145
December	none	"	none	"	none
1879. January	50	"	26	"	76
February	675	"	12	"	687
March	613	"	5	"	618
April	1044.	"	8	"	1052
May	2346	"	18	"	2364
June	465	"	2	"	467
	5706	males	153	females	Total 5,859.

(signed) J. S. Mosby

U. S. Consulate.
Hong-Kong, August 22nd 1879.

Note/ Ack.

made

No. 473. Two Enclosures.

Legation of the United States.
Peking, September 9th 1879.

RECEIVED NOV 4 1879

George F. Seward to
the Secretary of State.

Subject.

Expenses of "Forest Belle" investigation.

Synopsis.

Mr. Glenny has sent in his account. Mr. Seward has informed him that he has no authority to draw upon the Secretary of State for the amount, and has advised Mr. Glenny to send a detailed statement supported by vouchers to the Legation.

No. 473. Two Enclosures

Legation of the United States.
Peking, September 9th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to hand to you herewith Mr. Denny's despatch, number 19., covering an account for his expenses in conducting the "Forest Belle" inquiry, and asking me to reimburse him the amount. 1/473

As I find upon reference to your instructions that I have no authority to draw upon you to defray the expenses of the inquiry

& I

2/473. I have responded to Mr. Glenny in this sense, asking him at the same time to send me a detailed statement supported by vouchers.

I understand from Mr. Glenny's letter that his report upon the case will be received at an early moment.

I have the honour to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosures.

1. Mr. Glenny to Mr. Seward
No. 19. September 2nd, 1879.
2. Mr. Seward to Mr. Glenny.
No. 57. September 8th, 1879

Despatch No. 473.
Inclosure 1.

Mr. Denny to Mr. Seward
No. 19. Tientsin, Sept. 2nd, 1879.

Sir:—

I beg to enclose, for your approval, my account for actual expenses incurred by me in the investigation of the "Forest Belle" matter, as per instructions of Mr. Holcombe, while acting U. S. Chargé d'Affaires.

As this amount ($1003.00) has been advanced by me, and as I am in need of it, I hope you will draw upon the Government and forward to me at your earliest convenience.

I am now giving my undivided attention to my report in the case which I hope to be able to forward to you before long.

I am, etc,
(signed) O. N. Denny.

United States Consulate,
Tientsin, Sept. 2nd, 1879.

The United States Government, to O. N. Denny, Consul at Tientsin, for actual expenses incurred by him while proceeding to Shanghai, Foochow, Amoy, Formosa & Hong-Kong, to investigate the loss of the American Bark "Forest Belle", as per instructions of Chester Holcombe Esquire, U. S. Chargé d'Affaires, dated March 8th, 1879 ______ Dr.

To passage-money of self and Foreign Interpreter (Mr. Cheshire, V-Consul at Foochow) --------	$ 306.00
To Hotel-bills & other necessary expenses of self, two Interpreters, writer and Ting chai ------------------	" 697.00
Total	$ 1003.00

Despatch No. 473.
Inclosure 2.

Mr. Seward to Mr. Denny.

No. 57. September 8th, 1879.

Sir:—

I have had the honor to receive your despatch, number 19, — enclosing your account for expenses in making the "Forest Belle" enquiry.

If you will be so good as to send me a detailed statement of the account with vouchers, I will audit and approve it, and submit it to the Department for instructions as to its settlement.

Please be so good as to make your report upon the case as soon as possible.

I am, Sir, etc.

(Signed) George F. Seward.

√ Ans'd. approving; Nov. 7. Mr. F.W. / Approve. C.P. Wood + Meader

No. 474. **One Enclosure.**

Legation of the United States.
Peking, September 9th, 1879.

DEPARTMENT OF STATE
NOV 4 1879
RECEIVED

George F. Seward to
the **Secretary of State.**

Subject.

Vice Consul at Canton.

Synopsis.

Mr. Lincoln has nominated Mr. Cunningham as Vice Consul to be in charge of the office during his absence on leave. As Mr. Cunningham is engaged in trade Mr. Seward hesitates to give him an acting appointment, and has suggested that some arrangement can be made by which Mr. Cheshire Vice Consul at Foochow can take charge. Submits copies of the correspondence and asks approval.

No. 474. One Enclosure.

Legation of the United States.
Peking, September 9th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to hand to you herewith a correspondence which 1/474. has passed between the Consul at Canton, the Consul General and myself in regard to the appointment of a Vice Consul to take charge of the Canton office during Mr. Lincoln's proposed absence on leave.

It appears that the Vice Consul, Mr. Talbot, is absent and not likely to return for a season. Under these circumstances, Mr. Lincoln nominates to me, for an acting appointment to fill the vacancy, Mr. Cunningham, a gentleman of unexceptionable character but connected with trade. Looking to the fact that Canton is a place of considerable importance, and is of more importance to us at this moment in consequence of the questions growing out of Chinese emigration, and that the Chinese Government is greatly opposed to merchant Consuls, I have advised Mr. Bailey to suggest to Mr. Lincoln that he may be able to arrange with Mr. Cheshire, the Vice Consul and Interpreter at Foochow, and lately in charge of that Consulate during Mr. De Lano's absence, to take charge at Canton during his absence.

It has always been my effort to have the Consulates in such cases left in charge of persons regularly connected with the service. I am confident that this policy will meet the views of the Department, and I beg leave to ask for it your general approval, as well as your approval of my action in the special case.

I have the honor to be,
Sir, Your obedient servant.
Geo. F. Seward

Enclosure.

Enclosure.

Mr. Lincoln to Mr. Seward
No. 28. August 18th, 1879.
1. Mr. Bailey to Mr. Seward.
No. 703. August 27th, 1879.
Mr. Seward to Mr. Bailey
No. 177. September 8th, 1879.

Despatch No. 474.
Inclosure.

Mr. Lincoln to Mr. Seward.
No. 28. Canton, 18 August, 1879.

Sir:—

In view of the fact of my having requested the Department to grant me *leave* to visit the United States leaving here 15th October, and the further fact of Mr. Talbot's absence and strong probability of his not returning for some time at least, I have the honor to request Your Excellency to authorize Mr. T. B. Cunningham of Messrs Russell & Co to take charge of this Consulate during my absence.

I believe you are acquainted with Mr. Cunningham and therefore aware that he is fully competent and a very suitable person to fill the position.

If Mr. Talbot had either tendered his resignation, or stated positively his intention not to return to China, I would have forwarded to the Department the nomination of Mr. Cunningham as Vice Consul, but under the circumstances conclude it not advisable to do so at present.

I believe under paragraph 49, Consular Regulations Your Excellency is fully empowered to authorize Mr. Cunningham to take temporary charge during my absence and trust you will do so at your earliest convenience.

I have, etc,

(Signed) C. P. Lincoln

Mr. Bailey to Mr. Seward.
No. 703. Shanghai, August 27th, 1879.

Sir:—

In forwarding the enclosed despatch No. 28. of Mr. Consul Lincoln, I have the honor to approve his request for the appointment of Mr. T. B. Cunningham, of Canton, a citizen of the United States.

I have, etc.
(signed) David H. Bailey

Mr. Seward to Mr. Bailey.
No 177. September 9th, 1879.

Sir:—

I have had the honor to receive your despatch, number 1. (should be 703 ?) covering and approving Mr. Lincoln's despatch number 28., nominating Mr. T. B. Cunningham to act as Vice-Consul during his absence on leave, and requesting me to grant a provisional appointment to the last named gentleman.

The Chinese Government is very decidedly opposed to merchant Consuls, and for this and other reasons of a public nature I should think it wiser to place the Consulate at Canton in charge of a person not connected with trade, and, if possible, now in the service. I may suggest that Mr. Lincoln may be able to arrange with Mr. Cheshire, now Vice-Consul and Interpreter at Foochow to take charge during his anticipated absence. In such event, I could probably send a competent Interpreter to act at Foochow in Mr. Cheshire's place.

I shall be obliged if you will write to Mr. Lincoln in this sense, and also to Mr. DeLano, who has, of course, an interest in the matter.

I am, etc,

(signed) George F. Seward.

Ack

Acknowledged.

Wade

No. 475. One Enclosure.

DEPARTMENT OF STATE
NOV
4
1879
RECEIVED

Legation of the United States.
Peking, September 10th, 1879.

George F. Seward to
the Secretary of State.

Subject.

French riot claims – Shanghai.

Synopsis.

Mr. Seward reports the payment of the above mentioned claims in full – with the exception of that of Mr. A. A. Fisher.

No. 475. One Enclosure.

Legation of the United States.
Peking, September 10th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:–

Recurring to my despatch, number 447., I now have the honour to hand to you herewith a copy of a letter from the Consul General, from which you will see that full payment has been made by the Chinese Authorities for all the losses of citizens of the United States arising from the riot at Shanghai in May 1874, excepting only 1/475.

only the claim of Mr. A. A. Fisher.

I have the honour to be,
Sir,
Your obedient servant.
Georg. F. Seward.

Enclosure.

1. Mr. Bailey to Mr. Seward.
No. 698. August 15th, 1879.

Despatch No. 475.
Inclosure.

Mr. Bailey to Mr. Seward.
No. 698. Shanghai, August 15th 1878.

Sir:—

I have the honor to inform you that on the 7th instant the Taotai paid into this Consulate-General the sum of Thirty three thousand dollars ($33.000.00), being in full, as agreed upon, of all the submitted claims of citizens of the United States arising out of the riot of May 3rd, 1874, except, only, the claim of Mr. A. A. Fisher, which is in abeyance pending further instructions.

I shall notify the several claimants to apply for their money.

I have, etc,
(signed) David H. Bailey.

F.W.

Mr Adee

No. 476.

Legation of the United States.
Peking, September 12th, 1879.

NOV 4 1879 RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions numbered 308. 309. and 310. have been received

No. 476.

Legation of the United States.
Peking, September 12th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your instructions numbered respectively, 308, 309, and 310.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

Ack

made

No. 477.

DEPARTMENT
NOV 4 1879
RECEIVED

Legation of the United States.
Peking, September 12th, 1879.

George F. Seward to
the Secretary of State.

Subject.

Contingent expense account.

Synopsis.

Referring to the Departments instruction, number 308, the account mentioned will be forwarded at the expiration of each quarter, and the drafts drawn annually as heretofore.

No. 477.

Legation of the United States.
Peking, September 12th 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:-

I have had the honor to receive your instruction, number 308. in regard to our Contingent Expense account, and in response I have to say that hereafter that account will be rendered quarterly and as soon as practicable after the expiration of each quarter. Our drafts against this account will be drawn annually as heretofore unless we find it practicable to draw more frequently.

The account for the year just expired is now being prepared.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

✓ Ack'd, approving Nov. 7. Mr Polk.

Approve C.P.

made

No. 478.

Legation of the United States.
Peking, September 15th. 1879.

DEPARTMENT OF STATE
NOV 4 1879
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Chinese circular to its Ministers abroad.

Synopsis.

Mr. Seward refers to a circular shown him at the Department in April last. He has secured authentic Chinese and English texts, and has sent copies to the Consuls requesting an expression of their views. Has also requested Mr. Bailey to send six copies to the Department.

No. 478.

Legation of the United States.
Peking, September 15th. 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

In the month of April last I was shown at the Department a copy, in French, of a circular note which was addressed by the Chinese Government, in March of last year, to its Ministers abroad. This paper is of much importance, and I have been at pains since my return to procure an authentic copy of it in the original Chinese text, and an accurate English translation.

I am now sending copies of both texts to the Consul General asking him to have them printed and sent to our several Consuls in China with a request that they will report to me their views upon the various issues involved.

The Consul General will send to you a half dozen of the printed copies, and at a convenient moment I shall address to you a despatch forwarding the reports of the Consuls, and stating my own views.

I have the honor to be,

Sir, Your obedient servant,

George F. Seward

Inform Mr. Wells of Mr. Sturgeon of the reasons given by Mr. Seward why it is not advisable to establish an unsalaried Consul at Swatow. The expediency of ~~recommending~~ to Congress the establishment of a salaried Consulate will be considered. C. P.

Mr Adee

No. 479. One Enclosure.

DEPARTMENT OF STATE NOV 4 1879 RECEIVED

Legation of the United States.

Peking, September 17th, 1879.

George F. Seward to the Secretary of State.

0/0 Mr Erastus Wells, as directed by Mr Payson Nov. 12. Mr Polk.

Subject.

Swatow Consular Agency.

Synopsis.

Mr. Seward in response to Department instruction, number 309, states his opinion, with certain reasons, that Swatow should be reestablished as a Consulate, with a salary of not less than $3.500. He does not approve of its reestablishment as an unsalaried office.

No. 479. One Enclosure.

Legation of the United States.

Peking, September 17th 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to your instruction number 309., of July 7th, in which you transmitted to me a letter which you had received from the Honorable Erastus Wells, enclosing a representation from the Consular Agent at Swatow favoring the establishment of the office as a Consulate, I have now the honor to report as follows.

The grade of the office

may be raised by the act of the Executive. In such case no salary would attach to it of course, Or it may be created a salaried office, by Act of Congress.

I should not consider it wise to establish the Office as an unsalaried Consulate, for the reason that the Chinese Government look with great & disfavor upon merchant Consuls. I beg leave to call your attention, in this connection, to the enclosed extract from the Circular & addressed by the Foreign Office to its Ministers abroad. You will consider, I think, that the objections taken therein to merchant Consuls are of much force, and that we should

1/479.

should not disregard their wishes in this matter, if it is possible to avoid doing so.

In the same connection I beg leave to refer you to various despatches which have been addressed by this Legation to the Department as follows:— Mr. Burlingame to Mr. Seward October 25th and December 12th 1862., Mr. Browne to Mr. Fish, July 2nd, 1869., Mr. Williams to Mr. Fish, September 10th, 1869., and Mr. Low to Mr. Fish, March 5th, 1871. You will remark upon perusing these despatches, and their enclosures, that the views of the Foreign Office recently expressed in the Circular referred to, have been rigidly adhered to from the outset of our relations.

Reference to the files of my correspondence from Shanghai will indicate that I have consistently sustained the position adhered to by the Chinese, and that, upon reports of mine, the unsalaried offices at Kiukiang and Chefoo, were made Consular Agencies instead of Consulates. We have now only one unsalaried Consulate in China, that at Newchwang and I have hesitated to advise that it be made an Agency for the reason that we have had there an officer who has taken much pride in his work, and because the post is isolated, and it would be difficult to control it from the office at Tientsin, under which it would naturally fall.

While Mr. Wells and Mr. Sturgeon have correctly represented the character of Mr. Williams, it should be remarked that he has important interests at Swatow, which might conflict with the exercise by him, as full Consul, of the important judicial duties which devolve upon our Consuls in this Empire under the Treaties and Acts of Congress.

A full Consulate was created at Swatow, about 1860-61. It was anticipated that attempts would be made to carry on the obnoxious coolie trade from there, and the measure was a precautionary one. At the moment the port was of but little importance, but it has gradually increased until it ranks sixth in China in the amount of its trade, and is growing.

Situated as Swatow is near the region from which come the Chinese who emigrate to California, Australia, Java, the Phillipines, and the Straits Settlements, there was just ground for fear, at the time Swatow was created a Consulate that the port would be made a depot for the coolie trade. Fortunately these fears were only justified in part by the event, and fortunately also the action of our Government enabled us to deal promptly with the attempt to ship coolies which did occur.

In this connection, I beg leave to refer you to the general correspondence from this Legation in regard to the Coolie Trade, and more especially to Mr. Davis' despatch of February 22nd, 1849, Mr. Parker's of February 12th, 1856, Mr. Ward's of February 24th, 1860, Mr. Low's of October 21st and November 11th 1872, January 8th and 14th, 1873, and to Mr. Wingate's correspondence from Swatow in regard to the case of the "Congress."

In the winter of 1875-6, Congress then disposed to consider, that the outlays of successive Republican Administration had been unnecessarily heavy, cut off the appropriation for Swatow.

There has not arisen since any difficulty growing out of the shipment of coolies or emigrants, but a number of questions have occurred at the port which have not been successfully dealt with, perhaps owing to the absence of a full Consul, otherwise, so far as I have observed, matters have gone along in a more or less satisfactory manner.

The commercial importance of Swatow, and the great danger that it may become the port of departure of emigrants for the United States, in case action is taken which will check their exit from Canton, will justify, in my opinion, the reestablishment of the office.

You will remember that the Chinese Government is prepared to undertake with us a thorough examination of proposing emigrants with a view to prevent the departure, for our shores, of diseased persons, prostitutes, criminals, and contract laborers. If such examinations shall be instituted at Canton, through which port nearly all the emigrants now pass, and a check be given to emigration thence, it may be supposed that resort will be had to Swatow and Amoy instead, particularly if less vigorous examinations shall be conducted there. In order to meet this danger, it may become necessary, as I think, to reestablish the Consulate.

Mr. Williams indicates that he would be willing to serve the Government for a moderate salary. I do not know what he considers moderate, but I may say that our Consuls find it difficult to sustain themselves in this country on the salaries which they now get, ranging from $3.000 to $3.500, and I should ~~u~~ deprecate the appropriation for Swatow.

Swatow of a less sum than
$3.500.

I have the honour to be
Sir,
Your obedient servant.
George F. Seward.

Enclosure.

1 Extract from Circular of
Chinese Foreign Office.

The Tsung-Li-Yamên to the Chinese Ministers abroad.

× × × × × × × × × × ×

× Again, seeing that China has agreed that the judicial powers shall be exercised by foreign Consuls within Chinese territory, foreign Governments should, on their side, take care that none but good and reliable men are appointed to these posts. Several States, however, appoint merchant Consuls. Now, in so far as concerns that part of a Consul's duty which comprises the reporting and clearing of ships, and the shipping and discharging of sailors, China does not object to its being discharged by merchant Consuls. But in China a Consul's duties comprise judicial functions as well, and the importance of such functions is such as to seem to demand the appointment of bona fide officials to Consular posts; moreover, where cases regarding joint investigation occur, it is neither convenient nor dignified for a Chinese Official to sit on the bench with a merchant Consul who may have been fined for smuggling the day before, or who, in his mercantile capacity, may, perhaps, be personally interested in the case at issue.

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x x x x x x x x x

Extract

Ans'd as offered by Judge O'Connor Nov. 20. m. Pol. Judge O'Connor

Wade

FOREIGN Relations 79

No. 11. 480. One Enclosure.

Legation of the United States.

Peking, September 18th, 1879.

DEPARTMENT OF STATE NOV 4 1879 RECEIVED

George F. Seward to the Secretary of State.

Subject.

Procedure in mixed civil cases.

Synopsis.

Referring to an earlier despatch, Mr. Seward transmits the responses which he has received. Divergence of opinion among the Consuls, but the balance favors the procedure adopted by Mr. Seward that such suits be tried in the Court of the defendant's nationality.

No. 480. One Enclosure.

Legation of the United States.
Peking, September 18th. 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I had the honor to transmit to you on the 29th of July a copy of a Circular which I had addressed to the Consuls in regard to procedure upon the trial of mixed cases occurring between our own people and the subjects of China, and I beg leave to hand to you now copies of the responses which I have received. 1/480.

You will observe that

there is a divergence of opinion between the Consuls, but that the tendency is to favor the rule to which I adhere that all such cases are to be tried in the Court of the Defendant.

My views on this subject are set forth with exactness in the Protocol of November 25th, 1876, and the despatch with which I transmitted that paper to the Department, number 177. of the 5th December following.

I am in hopes that these views will be fully endorsed at the approaching conference of the Ministers at this Court, and steps taken to gain the formal assent of the Chinese to it, and to the adoption of a few simple rules of procedure intended to aid our people in their efforts to secure the right hearing of their matters in the Chinese Courts. This of course would be a modest beginning for judicial reform in mixed cases, but it may prepare the way for something still better.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

Enclosure.

1. Mr. Lincoln to Mr. Seward.
No. 27. August 18th. 1879.
Mr. Scruggs to Mr. Seward
No. 3. August 11th. 1879
Mr. McLane to Mr. Seward
No.

No. 131. August 9th, 1879.

Mr. Shepard to Mr. Seward

No. 33. August 26th, 1879.

Mr. Lord to Mr. Seward

No. 101; August 20th, 1879

Mr. Seward to Mr. Shepard.

No. 71. September 18th, 1879.

Despatch No. 480.
Inclosure.

Mr. Lincoln to Mr. Seward.
No. 27. Canton, Aug 18, 1879.

Sir:—

I have had the honor to receive your despatch No. 58, of 26th ultimo relative to the practice at this Consulate in Civil cases arising between Chinamen and Americans.

In reply to your interrogatories I have to say.

1st Since Mr. Jewell's administration of this office no such cases as you mention have arisen and been brought to trial.

2nd We have no Mixed Court here as at Shanghai. ✓

3rd It has been and is the custom where claims are presented against Natives, for the Consul to inform defendant of the complaint and arrange, if possible, an amicable settlement, if not successful, then to present the case by despatch to His Excellency the Viceroy, who according to its importance, instructs either the Prefect, or one of the Magistrates to take cognizance of the case. At this investigation the Consul with Interpreter, Plaintiff and Witnesses can be present if they so desire, this is seldom done however, In nearly every instance the case is conducted through correspondence.

4th If not satisfactorily adjusted by the Prefect or Magistrate, complaint would be made to His Excellency the Viceroy, In case he should concur in the decision rendered, copies of correspondence etc, would be referred to Peking.

5th Were a Consul present at such trial it would only be to watch the proceedings and in case of any injustice being done to enter protest. He would be received and treated on such occasions as he would be in making an official call. Seats would be so arranged that neither officer would occupy the seat of honor, though the Native official should and would conduct the proceedings.

6th In cases where Foreigners are defendants and Natives plaintiffs, suit would be brought before the Consul either direct or through the native Authorities at his request. If by the Authorities, it would be carried on by correspondence. If by the plaintiff, notice would be issued for parties to appear, witnesses be summoned, etc. If the plaintiff desired a native official to be present, the Consul would notify the Viceroy of the pending suit, and request him to direct an officer to be present. The Prefect would probably be sent, who would occupy a similar position to that of a Consul at a trial before a Chinese Official. In case of dissatisfaction with the decision, the case would be referred to Peking.

7th Judgements against native defendants are enforced by seizure and sale of property and imprisonment of party until liquidation of claim.

8th The practice as above stated is preferred by the Consuls at this port.

9th Taking in view the limited number of Foreigners at this port and the infrequency of litigation arising, I think the practice followed here is preferable to the more complicated and formal practice of Mixed Courts.

Only one case of importance has been brought to suit here within several years. This was a claim for damage or to enforce specific "performance of contract." Suit was brought by a French firm against a Native silk merchant. The loss sustained by non-performance of contract was estimated at $60.000. It was tried before the Prefect, the French Consul, plaintiff and witnesses being present. The Consul claimed the right to and did conduct the proceedings, notwithstanding the Prefect's protest. He gave judgement for plaintiff; the Prefect dissenting. Not having authority to enforce his judgement the case was referred to Peking. I am told that the French Minister declined to interfere in the matter on the ground that the course pursued by the Consul had been so erroneous, in fact ridiculous, that the plaintiff had no other recourse but to submit, and so it ended.

Trusting the foregoing will prove satisfactory as a reply to your No 58.

I have, etc,

(signed) C. P. Lincoln

Mr. Scruggs to Mr. Seward.
No. 3 Chinkiang, Aug. 11th, 1879.

Sir:—

I have had the honor to receive your despatch No. 41, of the 28th ultimo. It relates to civil cases arising between citizens of the United States and Chinese subjects, and contains some eighteen interrogatories touching the practice, in such cases, at this port.

The very short time elapsed since I assumed the duties of this office, will, I fear, render it impossible to make my responses as full and satisfactory as you desire; but I most cheerfully comply with your request as far as I am able.

And, first, as to your enquiry marked "A". The practice at this port, when a Chinese subject is party to the action, is to notify him of his right to have a native official sit in conjunction with the Consul; a right however which all Chinamen seem anxious to waive, and which has heretofore been waived in every instance. But,

"B".

"B" Should no waiver be made, the Consul would insist that the official so sitting be of a rank corresponding to his own, And,

"C" Whether Mixed or Single, consular courts could scarcely be said to subserve the ends of justice unless "open for the "personal appearance of the plaintiff and "his witnesses", or indeed to both litigants for that matter; and, so far as I know, no other rule has obtained here.

"D" In case of Mixed courts, it would be but ordinary politeness to tender the seat of honor to the official who should attend at the office or Yamen of the other; and when a different place of meeting is designated, relative positions as to precedence would have to be arranged according to those principles of comity recognized among intelligent men. The Consul being present as an ex officio magistrate, would be there in discharge of judicial functions of course.

"E" In all such courts, an Interpreter would be necessary; and his position would, ex necessitate rei, be that of a member of the

Court; possibly with rank similar to that of clerk.

"F." A full and accurate record, and in proper legal form, should be made of all the proceedings; and, so far as I know, this has always been done here. Furthermore—

"G"– This record would have to be made by someone duly authorised by the Court; most likely the Interpreter and his assistants, his position being that already indicated in "E", moreover.

"H"– It should be in both languages, verified by the judges and signed by them in the alternat.

"I"– Appeals from the decisions (or rulings) of the Chinese official, sitting as one of the magistrates, would naturally be to the third magistrate (previously agreed upon); and, in default of this precaution, to the Legation and the Tsung Li Yamēn.

"J" The Taotai, being of equal rank, would probably sit with the Consul; the Prefect, or inferior magistrate, with the Vice or Deputy Consul.

Your enquiries marked "K" and "L", Care

are believed to be answered in "D" "E" "F" "G" and "H", as above,

"M" Presumably, the Statutes of the United States, construed under liberal interpretation of existing Treaties, in so far as applicable; the common law, the law of admiralty, the principles of equity, and of international law applicable to each particular case. And,

"N." Judgments would be enforced by the Judges, one or the other, according as the decision be for or against their respective countrymen.

Your enquiries marked "O" and "P", are believed to be answered above, in "J" and "A".

"Q" In cases of much magnitude, or where nice questions were involved, or the sum in litigation large, a Mixed Court would doubtless be preferable; so organized as to give the Consul the casting vote, in case of disagreement. Section 4098, of the Revised Statutes, seems to be mandatory, as well as advisory. Consuls are to encourage settlements (especially of the class of cases indicated,) by arbitration; and my observation in this, and experience in other countries, has been that this method of settlement seldom fails to put a satisfactory end to such controversies.

I am, etc,

(signed) Wm. L. Scruggs.

Mr. DeLano to Mr. Seward.

No. 131. Foochow, Aug. 9th, 1878.

Sir:—

I have had the honor to receive your despatch No. 80, of date July 26th, making enquiry in regard to the practice at this Consulate in civil cases arising between the Chinese and our people, and I proceed to answer your questions in order as they appear in your despatch.

"A" They are tried by the officer of the defendant.

"B" Usually the District Magistrate.

"C" They are not.

"D" He does not, but usually makes up a brief of the case for plaintiff and states what testimony can be produced in support of it. In point of fact the proceedings are irregular and partake very little of the nature of judicial proceedings.

"E" The Interpreter is sometimes sent to watch proceedings, and is given a seat next the Magistrate's.

"F." The only record kept on the side of the plaintiff appears in the "Record of Official Correspondence": A record of the proceedings of the Court is made by the Chinese Hsü pans.

"G." Have never yet had a case of sufficient importance to require the presence of the native assistant of the Interpreter.

"H." It is made in Chinese, and a copy of it is given to the Consul if he requires it. The only certification is the seal of the Magistrate.

"I." Usually to the Prefect's, but the Consul may, if he chooses, take the case to a higher court, the Intendant's or the Nietai's, but if to the latter, application would be made to the Governor or Governor General to have such officer deputed to try the case on appeal.

"J." There is no Mixed Court at this port.

"K". Answered. See "J."

"L". Answered.

"M"

"M". Answered See J.

"N". Judgements are enforced by imprisonments or other punishments such as flogging or torture, but if payments are actually enforced it is usually absorbed wholly or in part by the Mandarins and their underlings. I have never yet known of a judgement being paid in full to a foreign plaintiff.

"O". Answered. See "J".

"P". Practice is the same in all the Consulates as far as I know. Trials in the Consular Courts are preferred by foreign defendants, and would be also by most native defendants if it were practicable. Foreign plaintiffs would greatly prefer to have their cases tried in a Mixed Court if one existed here.

"Q". I have been an advocate of Mixed Courts, and have often suggested the organization of one here. The proposition has been favorably met by the more enlightened officials and others have strongly opposed it. I am not advised as to the views of other Consuls on the subject.

The great distance of the Foreign settlement from the City might be urged as an objection to the establishment of such a Court.

At the trial of important cases in the Court of this Consulate, the presence of some intelligent native official is often solicited, but the Chinese officers are very averse to the presence of foreigners in their Courts. In fact I have been obliged to make emphatic demands, based upon treaty stipulations, on occasions, before gaining their assent to the presence of the Interpreter in their Courts.

If a Mixed Court could be established here for the trial of causes in which natives are defendants, leaving it optional with native plaintiffs to avail of such Court or bring their suits in the Consular Courts, as they might elect, the ends of justice might be more easily attained, but it is not likely that such an arrangement would be acceptable to the Chinese Authorities.

I have, etc,

(signed) M. M. DeLano.

Mr. Shepard to Mr. Seward.

No 33. Hankow, Aug. 26th, 1879.

Sir:-

I have the honor to acknowledge receipt of your despatch No 68, of July 26th, and of No 69. of July 30th. I have not, as yet, heard from the Intendant on the subject of the latter. To the several enquiries of the former I herein respond as fully as in my power.

"A". To your query "A" my answer is that at this Consulate all civil cases arising between the Chinese and our people have been examined and decided by the Officer of the Defendant, during my term of office; nor do I find any record that the U. S. Consul and any native official have ever sat together as a Mixed Court.

"B" to "O". The answers to the series of questions from "B" to "O" inclusive, are involved in the foregoing, with the explanations to be made in my remarks on the general topic. It is to be remarked, however, that in correspondence with the present Taotai, he has claimed that any Deputy he might indicate would be competent to act with the Consul on equal terms in any investigation arising, but I have dissented from this claim.

"P" I think that no other Consular officer here, except H. B. M's Consul, has desired any formal trial with a native official. Mr. Consul Hughes in a conference, sought by myself, was understood to say he had, on some occasion, demanded a joint investigation, but so much hostility to it had arisen, and so many obstacles had been interjected, that he gave it up in disgust. I think in that case the matter was arranged between deputies of both nationalities. I speak not with absolute certainty, however, for Mr. Hughes has left China, and I cannot verify my recollections of his statement. I can say, nevertheless, that Mr. Hughes fully endorsed my own rights to a full and unconditioned joint examination in a case hereinafter to be referred to — that of Russell & Co. and in my demand that the Taotai must sit with me in person and upon equal terms, expressing great interest to see my intents fully carried out.

Having thus disposed of the specific questions I avail myself of your invitation to more fully discuss the several topics of the general subject. Several cases have been brought to me by Chinamen for breach of civil contract by Americans, for non-payment of wages claimed, and for moneys due in various ways. As the official of the defendant, I have in every separate case been enabled to bring matters to a satisfactory settlement by conference and advice, without the necessity of any formal trial. Thus no occasion has arisen for either party to demand an appeal, nor for me to call for a formal judicial sitting with a native official, either as a Court of the Defendant with a Chinese Magistrate advising, or as a Mixed Court. In case such joint action were demanded I should insist upon an official coadjutor

(of

equal rank with myself, and give him equally honorable position. I should have each witnesse's testimony recorded as given, by the clerk of the Court if in English, and by the Chinese scribe of the Court if in Chinese, and each ones testimony read over to him and by him subscribed, as in Courts martial. I should allow plaintiff's presence, and the introduction of any witness pertinent, to be examined and cross-examined by my native associate at his pleasure. I should be guided in the conduct of the case according to customs of Common Pleas Courts in the U. S. as far as circumstances were analogous, without a jury. The provisions as to appeals I should apply as they exist in the Consular Court Regulations. Thus much where our people are defendants. This course of procedure and its results, are, I think, in exact conformity with the opinion given by Attorney General Cushing, Sept. 19th, 1855, that "subjects of China, "and of any Government, who, by voluntarily "making themselves parties complainant "or demandant before the Consular Court, "appeal, *pro tanto*, to the laws of the "United States."

But there is another class of cases, some of them of considerable magnitude, wherein Americans are the complainants or demandants, and a Chinese the defendant. In Mr. Cushing's language in the opinion above quoted, "the former "must, of necessity, be content with such "judicial or executive action of the "Chinese Government in the premises as "appertains to their institutions, or × × × "as may be required on the part of the "public officers of the United States." Several such cases have been brought before me, being for violations of contract, for balance of moneys due, and for claims on broken native Banks. In the spirit of the language quoted, I have uniformly brought these ~~claims~~ before the Intendant, and sought his intervention in their settlement. With a single exception, the case of Messrs Russell & Co versus Shin-Tou-Shan, heretofore reported in full to the Legation, the Intendant has procured acceptable settlements without formal trials, or at least without any joint action with the Consul being demanded. In some instances much correspondence has been required, which might largely have been avoided by a joint investigation promptly given. But the end has finally been a concession of all the Consul demanded for his clients including money collections, or such arrangements as were satisfactory to the parties complainant. Thus I have had no experience in this class of cases on which to formulate answers to your questions beyond the general replies already recorded.

The suggestions involved in the enquiries marked "M." "N." & "O." have often been considered, and my conclusions have not been entirely satisfactory to myself. Of course a Consular Court in China, under United States Law, is exterritorial, and has no jurisdiction over any persons excepting citizens of our own Government. It can take no compulsory course toward any but its own citizens, and can therefore enforce no judgments against the Chinese. The native Authorities alone are competent to do this, as Chinese law must prevail over their own subjects, just as we apply United States laws to our people resident in China, the conditions being reversed, i.e. a Chinaman being the complainant against an American. I see no appeal possible, therefore, in the strict legal application of the term. When a case is wrongfully decided, and when investigation and justice is refused by a native official, the only remedy I have been able to discover is the privilege of reporting the whole matter to the Legation, who may present the facts to the Foreign Board, or other proper Authorities. Doubtless here would be the power to see that wrongs were righted, judgments reversed and exactions made. But it is not to be lost sight of that even the Legation, and its nationality itself, must in the ultimate "be content "with such judicial or executive action "in the premises as appertains to Chinese institutions"

"institutions." If justice is decreed and enforced it is matter of congratulation; if the contrary, I can only hope for future remedy by wise and successful diplomacy.

Your final query "2" remains to be noted. For myself, I answer clearly I am in favor of a Mixed or Joint Court, in which the nationalities shall be equally represented, with equal privileges, rights, and authority. Such I deem to have been the intent of Art. XXXIII of the Treaty of 1858, and it commends itself to my judgment as the reasonable method of reaching a correct result. The facts in any given case may thus be brought to light through the vigilance and in the presence of the two officials, so there can be no mutual doubts, and the stand points for opinions will be equally grounded. The law governing proceedings must in any event be that of the defendant, since his representative official alone has jurisdiction over his person and property. The prime idea of a trial is, or ought to be, to discover facts.

Applications and rulings of law, and administration of judgments are consequents. In civilized courts the presumption is that the law and judgments will correspond to the burden of the facts. In the application of Chinese Law and judgments we are at the best at their mercy, and decisions, whether consistent or not, must be accepted finally, so long as there is between them and us "no "community of ideas, no common law "of nations". I trust it is not an impossible matter for the Legations of Christendom to lead the Chinese Government to some proper and authoritative Regulations for such a Mixed Court, wherein due regard may be had to the proprieties of rank and etiquette, as well as to the more vital purpose of securing mutual justice.

From my present light, I can see no such practical good as the certain outcome from a Court where an official of one nationality sits as judge and jury, and the other merely attends "to watch proceedings".

proceedings." The authority of the latter is nothing, his influence is nullified, his judgment is silenced, his opinions unexpressed, his protests inadmissible. He is in a humiliating position, without even a right to certify proceedings. In a case now before you, already referred to, where the Intendant of this circuit is Defendant official, he consents only to a degraded seat for the Consul, his Interpreter and native scribe are required to be out of sight of the Court, examination of witnesses is forbidden except by himself, cross-examination and even any question to witnesses forbidden, and no provision is intended for an official record. I am not sure, however, that in all this he exceeds his rights in such a trial as seems intended by the provision in the Chefoo Convention, from which he models his intended Court. If it be his Court solely, and no authority is given to plaintiff's official in it, it seems to be quite the correct thing for him to dictate all the minutiae. While protesting against it all, I have secretly felt that he was right on the basis of such a Court. But most certainly such a state of facts could never have been contemplated by our Treaty as referred to, and is not legitimate from it. The provisions of that Treaty are to my mind wise and practicable, and in my judgment should be firmly adhered to until the progress of civilization induces China to a greater comity among the family of nations.

I have thus endeavored to meet your request considerately, and with my best judgment, without prolixity.

I am extremely glad you are engaged in the investigation of the subject, for you are aware it has given me much trouble in the defence of the interests of our citizens, and I know of no one point in our relations with China more important. I trust you may succeed in a fortunate solution, and if in any wise I can furnish you other aids, or fuller answers I shall most gladly serve you.

I have, etc,
(Signed) Isaac. F. Shepard.

Mr. Lord to Mr. Seward

No. 101, Ningpo, Aug. 20th, 1879.

Sir:—

I have the honor to acknowledge the receipt of your despatch, No. 42, dated the 26th ultimo, desiring answers to a series of questions, relating to the course of procedure at this Consulate, in civil cases arising betwixt our people and the Chinese. In reply I beg to submit the following as my answers.

"A— What is the practice at your Consulate in civil cases, arising between Chinese and our people? Are such cases tried by the officer of the defendant, or by the Consul and a native officer sitting as a Mixed Court?".

When cases are brought by the Chinese against our people, I hear them, if I cannot persuade a private settlement, which in all cases I endeavour to do. When cases are brought by our people against the Chinese, my plan has been, first to inquire carefully into their merits. If satisfied that they are more or less reasonable, I then usually address a private message to the party complained of, if in the neighborhood, requesting him, or them, to call and see me. If they do so, I explain to them the complaint, and advise a private settlement. In the majority of cases my advice is followed. In case the party is at a distance, or in case he is near and does not call, or in case he calls and does not heed my advice, then the case is sent, either to the Taotai, or to the Prefect, or to the Magistrate, of the district in which the party resides, with the request that said officer will enforce settlement. And in nearly all of such cases, settlement has been enforced.

There is no Mixed Court at this place. In one or two instances Chinese officers have attended cases brought against our people; and in one instance, I was present at an examination, or hearing, had before the Taotai, when Chinese were defendants. These cases were peculiar and arose from some hoped-for advantage, contemplated in that clause of the Treaty pointing out this course of procedure.

"B" - If by the officer of the Defendant, what native official sits for the trial in cases where a Chinese is the Defendant?"

As I have remarked above, as a general thing, there are no mixed hearing of cases. The Consul hears the cases when his people are the defendants, and the Chinese Magistrate hears the cases when his people are the defendants. This is the common practice. Exceptions have arisen, and they might again arise. As to the officer that would sit in a mixed hearing when Chinese are defendants, supposing such a case to arise, something, I think, would depend on the nature of the case. It might be the Taotai, or it might be the District Magistrate, according to its difficulty or importance.

"C Are the Courts so held open for the personal appearance of the plaintiff and of his witnesses."

Chinese courts are hardly courts in our sense of the word. The officer in charge of them is very arbitrary and very summary in his proceedings; and the common opinion is that very little care is taken to secure justice. It is a place where the Chinese dread to go, either as complainants or defendants, and they often suffer many wrongs in order to avoid it. No case has occured where an American has attended such court with witnesses. He might possibly do so by previous arrangement of his Consul with the Officer, but I think it would seldom happen when a Consul acquainted with Chinese matters, as they are understood and transacted here, would request such a course of procedure. It would result in no satisfaction, unless the Magistrate were favorably disposed. And if he were favorably disposed, it would rarely happen when such attendance would be needed. The Consul, in presenting the claims of his people, would be expected to present, with them, reasonable evidence of their validity. Unless this evidence could be clearly set aside, the case would be summarily decided. And if it were set aside, the case would be referred back to the Consul for revision or withdrawal. In short, such matters are usually settled here, if settled at all, by correspondence rather than by judicial processes.

"D — Does the Consul attend, and if so, what position is given him as to seat, etc, and what part does he take in the proceedings?"

If a case should occur when the Consul should ask for a joint hearing, it would no doubt be arranged where the hearing should be. If at the Yamên of the Chinese Officer, the Consul would no doubt be requested to take the seat of honor, and all needed respect would be shown him. If he felt competent to question or cross-question, or discuss any point of law or fact, he would no doubt be permitted to do so. The influence he would have would of course depend very much upon himself, and upon the disposition of the Magistrate towards him.

"E.

"E – If the Consul attends, does he take an Interpreter? If so, what position is given to the Interpreter?"

If the Consul were to attend a hearing as supposed above, at the office of the Chinese magistrate, he would be likely to take with him an Interpreter. If the Interpreter were a foreigner, he would certainly be treated with respect, if his own conduct were respectful. If the Interpreter were a native, judging from my own experience, (I use only a native Interpreter) I think he would be treated with entire respect. He would sit near his Consul, and act as the Consul's mouthpiece.

"F. Is a full and accurate record made of the pleadings, and of the proceedings of the Court?"

There may be some record kept of the cases brought before Chinese magistrates, but nothing, I fancy, that could be called an "accurate record". And "pleadings" in their Courts are probably unknown. But in case a mixed or joint-hearing were agreed upon, arrangements, I presume, could be made to secure such record.

"G – If so, by whom is the record made? and if by the native assistant of the foreign Interpreter, what position is assigned to him?

Of course, nothing has been arranged here for such proceedings. But speaking still of a supposed case, so far as I know, the record could be made by the Interpreter's clerk or assistant. And any officer or assistant, attached to the Consul, would no doubt be treated with all needed respect. His position, as to seat, would naturally be at the side of the Interpreter.

"H – Is the record made in English and Chinese? If so, how are such records, or any which are made, certified to?

Still speaking of what might be, records made where a Chinese Officer is judge, would naturally be in Chinese. They could of course be made in English also, were the Consul provided with a clerk for the purpose. And either, or both records, when made, could be read and interpreted in Court. And when so read and interpreted, if assented to by Magistrate and Consul, they should be held to be full and accurate. Copies, or the originals, could be attested by both Judge and Assessor.

"I _ To what Court do appeals from the decision of the native officer lie?"

The rule here is that all matters of debt, crime, or controversy, are prosecuted before the District Magistrate. There are no rules, as with us, of carrying cases to higher courts. Yet it sometimes happens that appeals are made to the Prefect, to the Taotai, to the Viceroy, and even to Peking. The cases presented to the native authorities by myself, on behalf of our people, are sometimes sent to one officer, and sometimes to another. I am governed in this partly by the nature of the case, and partly by the place where the party complained of resides.

"J _ If trials are in Mixed Courts, what native officer acts?"

"K

"K_ What positions are assigned to the Consul and those with him?"

"L. What records are made, and how are they made?"

"M. What law is taken as binding upon the Court?"

"N_ How are judgments enforced?"

"O_ To what Court do appeals lie?"

"P_ Generally, is it the practice of other Consuls at your port to sit in Mixed Courts, or is the system of trial in the Court of the Defendant preferred?"

The above seven questions are all answered in saying that, there are no Mixed Courts here. It may have happened with other Consuls, as it has once or twice with me, that there has now and then been a case of joint hearing; but, I think, nothing more.

"Q. Have you any opinion as to which

is the preferable procedure? If so, will you be so good as to state it as fully as possible? Will you please add also any remarks on the general subject which may appear appropriate to you."

My opinion in regard to Mixed Courts must be mainly theoretical, as I have had no actual experience in them. But from what I think they are, or at least might be, and from what I know of others, my opinion is in favor of them.

In the first place, they seem to me needed in the interest of *justice*. Justice is the equal right of plaintiff and defendant. And this right relates not only to the matter in dispute, but to the proceedings of the court to which appeal is made. In other words, the parties should have their case decided according to its merits; and in obtaining such decision, they should be exempted from all needless inconvenience, and from all needless expense. Now such justice, I suppose, is seldom had, and seldom expected in Chinese courts. For everybody says, and what everybody says is commonly true — that bribery, corruption, and extortion, reign in them, and rule over them. Chinese courts have no juries, nor have they any adequate system of pleading or of evidence; and their judges are often ignorant, often unprincipled, and always arbitrary men. Then, too, these tribunals, bad as they are, are surrounded by troops of hungry menials, who suffer no one to pass, either in or out, without exactions. I say "no one", I mean, of course, no native; for over us they have yet no power. In applying to these courts we ourselves may have little to fear. But this is not enough. It is an inconvenience and an evil to appeal to Courts at all, but it is sometimes necessary; and when it is, we not only want justice for ourselves, but we want no injustice for others, however free we may be from its responsibility.

But in prosecuting the Chinese in their Courts, as they now exist, we are not only sure to occasion them this wrong, for which we are not responsible, but we are liable to occasion them another for which we are responsible. In other Courts there are heavy penalties, such as expenses, costs, fines, and counter actions, to restrain the prosecution of unjust claims; but defendants in Chinese Courts have, with regard to us, very little, if any, of this protection. Our prosecutions have too much facility, and when our claims are wanting in justice, as may sometimes happen, great and irreparable wrong is committed.

Then, too, we should not overlook the fact that while we can bring our cases into Chinese courts without the restraints above referred to, the Chinese cannot bring their cases into our courts on the same condition. Our courts are open, they can bring their cases into them if they like, but they must do it with the understanding that, if they fail to make them good, they are liable for *costs*. This, I think, is entirely right and as it should be. The wrong is on the other side, in the constitution and character of Chinese courts, and for this wrong, I see no present remedy, but the substitution of Mixed courts. And if these courts were substituted, and properly organized, I think we should then have the means of securing substantial justice to all parties.

Justice of course is the first and great object to be aimed at in this matter, but it is not the only one. These courts would become institutions of great convenience, in matters of record, reference, etc. They would also become institutions of great moral influence – training-schools, so to speak, where this people would gradually learn to understand their rights, and acquire power to assert them.

But these courts in order to meet the wants to which I have referred, would need great care in their organization, and great care in the selection of officers to preside over them. In theory all this might be easy, but in practice it would no doubt meet with many obstacles. There would be the native jealousy, and the native incompetency; and for the present, and I know not for how long a time, there would be this difficulty, that our Consulates would find it hard, if not impossible, to furnish officers competent to assist, and have the needed influence, in these courts. But with all its difficulties the measure may be practicable, and if so, I should be glad to see it undertaken.

I have, etc,

(Signed) Edward C. Lord.

Mr. Seward to Mr. Shepard.

No. 71. September 18th, 1879.

Sir:—

Recurring to your despatch, number 33, I beg leave to say that I have read your remarks upon the subject with much interest and that they will be of much value to me in the further consideration of the subject. I entirely agree with you that, looking to the character of native courts and the interests involved, it is indispensable that the foreign officer present in the native court must be admitted to assist his national, and the court, by intervention intended to place the court in full possession of all the facts, and to see that their bearing is understood and appreciated. While in Shanghai I never found difficulty in accomplishing such intervention as fully as could be expected with reason. I accorded like privileges to the native officers who were present upon the trial of cases in which their people were the complainants and ours the defendants, and it was a matter of satisfaction to me then, as it is of encouragement to me now, that I never failed to secure the approval of such officers to my judgments.

The views entertained by many that we should establish the principle of mixed courts and make it effectual by securing the adoption of a code applicable to natives and foreigners alike, to be enforced in such courts, is an attractive one but I fear that the prospects of success which could be entertained would not be great, and moreover, as it seems to me, it is not desirable to fix upon the Chinese a system which, in the end, would still be irregular and abnormal. We may enlist Chinese pride in the demonstration of the merits of their courts and in the introduction of ameliorations of their own system, but we could at best expect only a halting support to an institution of an exotic sort.

I am, etc
(signed) George F. Seward.

Ack.

made

No. 481. One Enclosure.

DEPARTM
N 4
1879
RECEIVED

Legation of the United States.
Peking, September 18th, 1879.

George F. Seward to
the Secretary of State.

Subject.

Rules for British Concession at Canton.

Synopsis.

Mr. Seward having been requested to approve the enforcement of the rules upon American residents has declined for reasons stated. Encloses copies of the correspondence.

No. 481. One Enclosure.

Legation of the United States.

Peking, September 18th, 1879.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to transmit to you herewith a correspondence 1/481. which has taken place between this Legation and the Consulate at Canton in regard to the Regulations of the British Settlement at that port known as Shameen.

The Consul, upon the motion of the Municipal Council, having asked me to approve the Regulations, I responded that it has not been usual to take such action, and that I would not feel at liberty to approve them in any case without having been invited to do so by the ~~to~~ British Authorities.

The settlement in question occupies an island, or insulated place in the Canton River, and, as I understand the matter is leased by the British Government. I have always held that where our people choose to avail themselves of privilege, uniformly accorded to them by the English Government, of residing within such districts, they must be considered to accept as binding upon them the rules made for the good order and comfort of the residents, and that they may be held to the observance of the rules in our Courts.

Whether this theory may be maintained or not, it would serve, I think, better than my own approval of the rules, for I do not know of any authority vested in me to legislate for our people in such manner.

You will remember that the situation within the leased districts of the British Government is different from that at Shanghai, for instance, where foreigners of all nations live indiscriminately within a district which has been set apart for their residence, but is not held under lease by any of the Governments.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

Enclosures.

1. Mr. Lincoln to Mr. Holcombe
No. 24. July 8th, 1879
Mr. Seward to Mr. Lincoln
No. 57. July 23d, 1879
Mr. Lincoln to Mr. Seward
No. 26. August 14th, 1879
Mr. Seward to Mr. Lincoln.
No. 61. September 16th, 1879.

Despatch No. 481.
Inclosure.

Mr. Lincoln to Mr. Holcombe.
No. 24. Canton, 8 July, 1879.

Sir:—

I have the honor to hand to you herewith as enclosure 1, copy of a letter just to hand from Mr. Duval, Chairman of the Shameen Municipal Council and copy of Land Regulations and Bye Laws annexed, for the foreign settlement of Shameen.

Mr. Duval's letter will explain my reason for transmitting it.

I make no suggestions, believing the Legation from long experience, to be fully able to take wise and proper action.

I have, etc,
(signed) C. P. Lincoln

Copy Canton, 7 July, 1879.

C. P. Lincoln Esquire,
&c. &c. &c.

Sir:—

H. M's Acting Consul having on the application of the Municipal Council of Shameen consented to forward to H. B. M's Minister at Peking, a copy of the Bye Laws of this settlement with a request that he will obtain the approval and confirmation of same from the Ministers of the several nationalities, in order that this settlement may be placed on the same footing as other foreign settlements in China, I now beg to wait upon you with a copy of said Bye Laws, in case you might wish to address your Minister on the subject; should you do so, I trust that you will point out the advisability of having these Laws agreed to and ratified.

I further hand you copy of Land Regulations of the British Concession of Shameen which is also being forwarded to

(H

H. B. M's Minister at Peking.

I have, etc,

(signed) A. T. Duval

Chairman Municipal Council,

Shameen.

Mr. Seward to Mr. Lincoln.
No. 57. July 23rd, 1879.

Sir:—

I have received your despatch, No. 24, relating to the Regulations and Bye Laws of the British Concession at your port.

I shall be glad to hear from you, with more particularity why my assent to these Regulations is desired.

I am, etc,
(Signed) George F. Seward.

Mr. Lincoln to Mr. Seward.

No. 26. Canton, Aug 14th 1879.

Sir:—

In reply to your No. 57, relative to the request for your approval of the Land Regulations, etc, of the British Concession of Shameen, I have the honor to say that I fail to see that your assent to these Regulations would tend to enhance the interests of American residents on Shameen nor that such assent would prove in the least injurious.

I believe the idea in requesting the approval of the several Ministers was that such approval would perhaps render the several nationalities residing on Shameen, more directly amendable to such Regulations and Bye Laws.

Under these Regulations, Land renters of whatsoever Nationality, are eligible or fully qualified to be members of the Municipal Council. In fact others than British subjects have been and are members of this Council. It has been asserted notwithstanding this, that the Laws and Regulations prescribed and approved by H. B. M's Minister only, were binding on none but British subjects and that those of other nationalities were not liable to the pains and penalties prescribed for a violation of same.

Believing as remarked in my No. 24. that from Your Excellency's long residence in China and consequent large experience in such matters, you are particularly fitted to jude of the desirableness of such approval and of the possible good or evil which may result therefrom.

I have, etc,

(signed) C. P. Lincoln.

Mr. Seward to Mr. Lincoln
No. 61. September 16th 1879.

Sir:—

Recurring to your despatch No. 26, I beg leave to say that it has not been usual to assent in a formal manner to the Regulations made by the English Authorities for the control of the districts leased by them from the Chinese Government and that it would not be appropriate for me to do so in any case unless invited by those Authorities.

I understand that when our people avail of the privilege accorded to them by taking up their residence within such districts they accept in doing so the rules in force therein and may be prosecuted in our Courts for failure to pay their rentals, or other violations of the rules.

I am, etc,

(signed) George. F. Seward.

Ack

Acknowd Nov 7th

Wade

PRINTED.
FOREIGN RELATIONS
1880

No. 482.

DEPARTMENT OF STATE
NOV 4 1879
RECEIVED

Legation of the United States.
Peking, September 24th, 1879.

George F. Seward to
the Secretary of State.

Subject.

Conference of Ministers at Peking.

Synopsis.

All the foreign Representatives have assembled, and decided, at the first, to discuss certain questions among themselves. Committees upon these subjects have been formed.

F.R. 1880

No. 482.

Legation of the United States.
Peking, September 24th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Recurring to my despatch number 451., I have now the honour to inform you that the representatives of all the Treaty Powers who are at present in China, have assembled in this city. They comprise the Ministers of Great Britain, Germany, the United States, Holland, Peru, Italy, and Japan, and the Chargé's des Affaires of Russia, Belgium, &

Spain and France.

A meeting was held yesterday at which it was decided, in the first instance, to discuss among ourselves the questions of Lekin Taxes and the Transit Pass System, the Judicial System, and Official Intercourse. Committees were formed upon these subjects, under the vice-chairmanships, respectively, of Sir Thomas Wade, myself and Mr. von Brandt, Sir Thomas Wade, as Doyen, being the titular chairman of each Committee.

My earlier despatches will have indicated, I trust, with sufficient clearness my views upon the judicial system, and I purpose, at an early moment, to place before you a statement of my opinions upon the other topics mentioned.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward.

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DEPARTMENT OF STATE
NOV 28 1879
RECEIVED

No. 483.

Legation of the United States.
Peking, September 27th, 1879.

George F. Seward to
the Secretary of State.

Subject,

Customs reports.

Synopsis.

Mr. Seward forwards certain copies of the "Customs Gazette" for 1877.

No. 483.

Legation of the United States.
Peking, September 27th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:-

I have the honor to hand to you herewith under separate cover, two copies each, of Customs Gazette No. XXXIII. January-March 1877. and No. XXXIV. April-June. 1877. which were overlooked, and hence not sent at the proper time.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward

File

DEPARTMENT OF STATE
NOV 28 1879
RECEIVED

Judge O'Connor

made

No. 484. Two Enclosures.

Legation of the United States.
Peking, September 30th, 1879.

George F. Seward to
the Secretary of State.

Subject,

Comity between Courts at Shanghai.

Synopsis,

Mr. Seward forwards certain correspondence which has arisen at Shanghai upon this subject, and states his views. No immediate action necessary.

No. 484. Two Enclosures.

Legation of the United States.
Peking, September 30th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

A correspondence which has taken place between the Consul-General at Shanghai, the Chief Judge of the British Supreme Court, and the British Consul has been sent to me by the former, and I transmit it to you 1/484, herewith, together with my instruction to the Consul General. 2/484.

It appears that the Consul General issued an attachment directed against monies of the defendants in a suit under trial before him, which were on deposit in one of the English Banks, and requested the Chief Judge, and afterwards the Consul to endorse the writ in order to make it operative. This the Chief Judge declined to do, saying that he had no authority to perform the act, and the Consul appears to have taken the same view, but for what precise reason, that is to say, whether the difficulty is one growing out of the nature of English law as applicable to such matters, or arises upon the fact that our Court is a foreign one to the English, does not appear.

It appears further that the Consul General discussed the subject with the Chief Judge, and that the latter, in the course of their conversation, declared that he would have no authority to aid our Court to enforce a writ of execution in the same case, should the matter proceed to final judgment against the defendants.

While this matter was pending, a writ of execution was issued by the Supreme Court directed against the personal effects of a British subject then residing in a hotel kept by an American. The bailiff attempted to execute the writ without having presented it for the endorsement of the

Consul General, and, when it was afterward presented to the Consul-General, he declined to endorse it, because of the failure of the judge to endorse the writ of attachment.

I have not considered myself entitled to give an instruction to the Consul General in this business which can be construed in any way to indicate that the Legation assumes the right to direct procedure in the Consulates which pertains to the judicial authority of the Consular officers. There may arise matters involving political issues in which the Consular Courts might be expected to recognize instructions issued by the Minister as the political representative of our Government, but in matters of ordinary judicial procedure I assume that the Consular Courts are perfectly independent of the Minister acting in his political capacity.

It is true, however, that if a situation has been reached at Shanghai which indicates that there is a failure of law, and that new legislation is required, it becomes my duty to examine into the facts, and to report them to you with my views.

I do not feel sure that such is the case at the moment. It may be that the Chief Judge has decided simply that it is not competent for him to endorse the writ as requested, and that he has not considered himself bound to point out to the Consul General any other procedure, or form of application to him, which would enable him to give the necessary assistance to our Court. If such be the case, the Chief Judge may not have acted with the best & possible taste, but the remedy is to be sought, not in a political representation of the matter, but in the examination of British law with a view to adapt the application to its provisions.

For the same reasons I have been unwilling to regard very seriously the dictum attributed to the Chief Judge that he cannot aid our Court to enforce a writ of execution, and have indicated to the Consul General that, while that part of the matter appears very serious indeed, it can be dealt with more readily after the case has occurred practically.

In addition to writing to the Consul General, I have laid the correspondence before the British Minister, and given to him a copy of Mr. Bailey's closing letter to the British Consul. It is likely that he will address a note to the Chief Judge on the subject.

You will not fail to remark that such questions as these must occur frequently in

a

a great mercantile community like Shanghai, made up from different nationalities, each of which assumes the control of its people in all matters of a judicial nature.

You will remark also that the given matters do not appear to call for any action on your part at the moment, not at least for any representations to Her Majesty's Government, but that such representation may possibly become necessary at some future day upon the further information which may be communicated to you.

I have the honour to be,

Sir,

Your obedient servant.

George F. Seward

Enclosures.

1. Mr. Bailey to Mr. Seward
No. 2. September 2nd, 1879.
2. Mr. Seward in response.
No. 179. September 12th, 1879.

Despatch No. 484.
Inclosure 1.

Mr. Bailey to Mr. Seward.
No 2. Shanghai, 2nd Sept, 1879.

Sir:—

I have the honor to enclose copies of correspondence between H. B. M's Consul, Mr. Arthur Davenport, George French Esquire, Chief Judge of H. B. M's Supreme Court for China and Japan, and myself concerning the enforcement of certain writs of our respective Courts.

At present I do not deem it necessary to enter into a further discussion of the subject than is contained in my letter No 12,131 of June 25th to Mr. Davenport.

I submit the correspondence for your information in the event of its being thought advisable to effect an arrangement, if practicable, whereby the two Courts can consistently assist each other in the enforcement of their writs in the interests of justice.

I have, etc,
(Signed) David H. Bailey.

No 711 In the United States Court
for the Consular District of Shanghai,

The Bark "Vesuvius"
vs.
W. W. Parkin et. al.
Composing the firm
of Olyphant & Co.
} In Admiralty

The President of the United States to the Marshal of the District of Shanghai
Greeting:

Whereas a libel has been filed in the United States Court for the Consular District of Shanghai on the 18th day of December 1878 by F. W. Call, Master of the American Bark "Vesuvius" against W. W. Parkin, Talbot Olyphant, H. S Geary, Tobias Pim, J. F. Seaman, and G. W. Talbot composing the firm of Olyphant and Company, in a certain cause of contract, civil and maritime for a balance due for freight, on charter party, amounting to five hundred and five & 76/100 Taëls and praying that a warrant of arrest may issue against said defendants, and that they may be held to bail pursuant to the rules and practice of this Court;

Now therefore we do hereby empower, and strictly command and charge you, the said Marshal, that you take and arrest the said defendants, or any of them, if to be found in your district, and them safely keep, so that you may have their bodies before the said Court, on the 24th day of December instant then and there to answer said libel and make their allegations in that behalf, and if the defendants, nor either of them can be found in your district, that you attach their goods, chattels credits and effects, or the goods chattels credits and effects of either of them in your district to the amount sued for, and have you then and there this writ with your return thereon.

Witness:

the Honorable D. H. Bailey Vice Consul General and Judge of said Court, this 18th day of December A. D. 1878.

(signed) H. Latham
Clerk of Court

Seal

No. 711. In the United States Court
for the Consular District of Shanghai,

The Bark "Vesuvius"
vs.
W. W. Parkin et. al
Composing the firm of Olyphant & Co. } In Admiralty

The President of the United States to the Marshal of the District of Shanghai
Greeting;

Whereas a libel has been filed in this Court on the 18th day of December 1878 by F. W. Call, Master of the American Bark "Vesuvius" against W. W. Parkin, Talbot Olyphant, H. G. Geary, G. W. Talbot, Tobias Pim, and I. F. Seaman, composing the firm of Olyphant and Company, in a certain cause of contract, civil and maratime for a balance due for freight on charter party, amounting to five hundred and five 76/100 Taëls and praying that a warrant of arrest may issue against said defendants, and that they may be held to bail, pursuant to the rules and practice of this Court:

Now therefore we do hereby empower, and strictly command you the said Marshal, that you take the said defendants, or any of them, if to be found within your district, and them safely keep so that you may have their bodies before the said Court on the 27th day of December 1878, then and there to answer said libel, and make their allegations in that behalf and if the said defendants nor either of them can be found in your district that you attach their goods and chattels, or the goods and chattels of either of them in your district to the amount sued for, and if sufficient goods and chattels cannot be found, that you attach their credits and effects, or the credits and effects of either of them, to the amount sued for, in the hands of the Chartered Mercantile Bank of India London and China, a Corporation duly organized, and doing business at Shanghai, James A. Taylor, Manager thereat, and that you summon the said James A. Taylor to appear before this Court on the 27th day of December, to do and abide by what may be required of him, or said Bank in their behalf; and have you then and there this writ with your return thereon.

Witness my hand and the seal of this Court this 19th day of December A.D. 1878.

(signed) David H. Bailey.

Seal

Vice Consul General
Acting as Judge.

In the United States Court
for the Consular District of Shanghai.

To the Honorable G. French,
Chief Judge of Her Britannic Majesty's
Supreme Court in China and Japan.

Whereas a certain cause of contract, civil and maritime is pending before us, between F. W. Call, a citizen of the United States, master of the American Bark "Vesuvius," and W. W. Parkin, Talbot Olyphant, H. S. Geary, G. W. Talbot, Tobias Pim, and J. F. Seaman, citizens of the United States, Merchants, composing the firm of Olyphant and Company, doing business at Shanghai, for a balance due on an account stated under a Charter party and it is made to appear that certain credits and effects belonging to said Olyphant & C° or to some of the members of that firm, are now in the hands of the Chartered Mercantile Bank of India London and China, Limited, a British Corporation, James Taylor, a

British subject, Manager at Shanghai, and that none of the Defendants can be found in this District: We therefore have the honor to request you that in the furtherance of justice, you will endorse and approve the accompanying warrants of arrest and garnishment, or issue such other order or process as may be necessary to compel due obedience to the said Garnishment.

And we will be ready and willing to do for you the same, as a like service when required.

Witness my hand and the seal of this Court this 20th day of December A. D. 1878.

(signed) David H. Bailey.

Seal.

Vice Consul General
for the United States,
Acting as Judge.

The Chief Judge of Her Britannic Majesty's Supreme Court for China and Japan has the honour to inform David H. Bailey Esquire, Vice Consul General for the United States, that the Chief Judge has not any power or authority to endorse or approve the warrant of arrest and Garnishment in the cause of the Bark "Vesuvius" vs. W. W. Parkin and others, composing the firm of Olyphant & Company, in order to attach the credits and effects of the defendants or any or either of them in the hands of the Chartered Mercantile Bank of India London and China, doing business in Shanghai, James A. Taylor, Manager thereof, or to summon the said James A. Taylor to appear before the United States Court for the Consular District of Shanghai on the 27th December, to do and abide by what may be required of him or the said Bank in their behalf.

(signed) George French
Chief Judge,

H. B. M's Supreme Court
Shanghai, 21st December, 1878.

No. 711. In the United States Court
for the Consular District of Shanghai;

The Bark "Vesuvius"
vs.
W. W. Parkin et. al.
Composing the firm of
Olyphant & Co.
} In Admiralty

The President of the United States, to the Marshal of the District of Shanghai

Greeting:

Whereas a libel has been filed in the United States Court for the Consular District of Shanghai, on the 18th day of December 1878, by F. W. Call, Master of the American Bark "Vesuvius", against W. W. Parkin, Talbot Olyphant, H. S. Geary, G. W. Talbot, Tobias Pim, and J. F. Seaman, composing the firm of Olyphant & Company, in a certain cause of contract, civil and maritime, for a balance due for freight, on a charter party, amounting to five hundred and five and 76/100 taels S. S. and praying that a warrant of arrest might issue against said defendants; and that they may be held to bail pursuant to the rules and practice of this Court, and return having been made on said warrant that none of the Defendants could be found within your district, and that sufficient goods and chattels, to secure said balance sued for cannot be found in this district;

Now therefore we do empower and command you, the said Marshall that you attach their funds, monies, credits and effects, or the funds, monies, credits and effects of either of them, to the amount sued for, in the hands of the Chartered Bank of India, Australia, and China, a Corporation duly organized and doing business at Shanghai, Thomas Forrest, a British subject, Manager thereof, and that you summon the said Thomas Forrest to appear before this Court on the 27th day of December 1878 to answer on oath touching said monies, credits, funds and effects, the property of the Defendants, believed to be in the custody of said Bank, provided however that you first obtain on this writ the endorsement and approval of Her Majesty's Consul at Shanghai or other proper Officer of Her Majesty's service thereat; and have you then and there this writ with your return thereon.

Witness my hand and the Seal of this Court this 24th day of December A.D. 1878.

(signed) David H. Bailey
Seal
Vice Consul General
Acting as Judge.

United States Court for the
Consular District of Shanghai,

To Arthur Davenport Esquire,
H. M's Consul
Shanghai,

Whereas a certain cause of contract, civil and maritime, is pending before this Court, between a citizen of the United States, Master of the American Bark "Vesuvius," and W. W. Parkins, Talbot & Olyphant, H. S. Geary, G. W. Talbot, Tobias Pim, and J. F. Seaman citizens of the United States, and merchants composing the firm of Olyphant & Company, doing business at Shanghai, for a balance due on account stated, under a Charter-party and it is made to appear, that none of the Defendants can be found in this District; and that sufficient goods and chattels belonging to said Defendants, to satisfy said claim sued for, cannot be found therein; and it being further made to appear that there are certain monies, funds, credits and effects of said Defendants in the custody and Keeping of the Chartered Mercantile Bank of India, Australia and China and in the office of said Bank at Shanghai, whereof and whereat Thomas Forrest, a British subject is Manager. It is therefore respectfully requested that you will, in furtherance of justice, approve and endorse the accompanying warrant of Attachment, or issue or cause to be issued, a similar, or such other order or process as may be deemed proper and necessary to subserve the ends of justice.

And this Court will be ready and willing to do for you the same, or a like service when called upon.

It may be added that in actions "in personam" under the American Admiralty System, where Defendants cannot be found within the District of the Court exercising jurisdiction, the attachment of their property is made for the purpose of compelling an appearance, and is necessary to give the Court jurisdiction to pronounce a final judgment. It would seem to follow, in view of our peculiar relations in, and with China, that if the endorsement of the British Authorities is necessary, as it is believed to be, to make such a writ valid and binding on British subjects, and such endorsement is refused, justice must in such cases be defeated, unless some other procedure not now contemplated may be discovered.

Witness my hand and the seal of this Court, this 24th day of December A.D. 1878.

(signed) David H. Bailey.
V. Consul General for the United States.
Acting as Judge.

Shanghai, December 28th, 1878.

My dear Mr. Bailey,

Judge French will be happy to see you on Monday at 2 P.M. When I feel assured that you will have no difficulty in arriving at an understanding respecting the Chartered Bank Case.

Believe me —

Yours very truly.

(Signed) Arthur Davenport.

Shanghai, June 2nd, 1879.

D. H. Bailey Esquire,
U. S. Consul General.
Shanghai,

Sir:—

I beg to call your attention to the insulting manner in which I was treated by the British Authorities at this port, while absent from my house last Saturday the 31st ulto. On returning from an afternoon drive I was informed by my clerk that an English Bailiff had entered the Hotel during my absence, attached the luggage of a Mr. Vernon, a boarder in the Hotel and had locked the back entrance of the room he occupied and was then keeping guard on the front verandah to prevent anything being removed. In answer to a question put to the Bailiff he said he was there by order of the English Consul, and produced a paper bearing that officials seal. I informed him that I had nothing whatever to do with the British Consul, and ordered him off the premises, telling him at the same time that if he did not go I should be obliged to call a policeman and have him arrested as an intruder. Shortly after this the British Consular Constable arrived, when I repeated to him what I had told the bailiff. He said something about going to the American Consulate to get his paper stamped, but as it was after Office hours I advised him to return and report the affair to his superior. He then left the Hotel, but the Bailiff, I have since learned, kept watch outside the front gate until midnight.

I wish particularly to report this to you because as it now stands it is nothing but a gross insult to not only myself but to the rights of every American in the place. If the British Consul has the power to put a Bailiff in my house without the sanction of the U. S. Authorities at this place, I might as well give up all idea of protection,

I am, sir, etc,

(Signed) Dewitt C. Jansen.

H. M's Consulate,
Shanghai, June 7th, 1879.

D. H. Bailey Esquire,
etc, etc, etc,
Sir:—

I am very sorry to be obliged to trouble you with this letter.

On the 2d instant, I instructed my Officer, Chief Constable Barnes, to proceed to your Consulate General to request you to back three warrants of execution issued out of H. M's Supreme Court for China, against goods of a British Subject named Vernon, who had been lodging in the Astor House Hotel in this settlement, the Manager of which, Mr. Jansen is a United States citizen. Mr. Barnes shortly returned and made a report to the following effect: "According to your instructions "this morning to apply to have the "warrants of execution on Howard "Vernon stamped by the United States

"Consul General. I beg to state that I
"applied to Mr. Latham, Clerk of the
"Court, who took the warrant to D. H.
"Bailey Esq. and returned with the
"following reply; Mr. Bailey will not
"stamp these warrants: for on a previous
"occasion, he, (Mr. Bailey) applied to the
"Chief Judge of the Supreme Court to
"sign a document for some money that
"was in a British Bank, and he (the
"Chief Judge) refused to stamp these
"warrants."

The occasion referred to is, I presume that of the Bark "Vesuvius" v. Olyphant &Co, in which, however, the reason of Chief Justice French's refusal to sign the order applied for was, that by the law of England he did not possess the power to sign it. The message brought back by Constable Barnes was a verbal message, the repitition indeed of a message stated to be transmitted from yourself through the clerk of your Court. The service of Warrants of execution is a question of so much importance on both sides that it may involve a reference to our respective Legations. Under these circumstances I am sure that you will excuse me if I request you to inform me officially whether you refused to back the warrants issued to Constable Barnes, and, if so, to have the goodness to give me your reasons for so doing.

I have etc. etc.,

(signed) Arthur Davenport,

H. M's Consul.

United States Consulate General,
Shanghai, June 9th, 1879.

Arthur Davenport Esquire,
H. M's Consul.
Shanghai.

Sir:—

I have the honor to enclose herewith a copy of a letter addressed to me as Consul General for the United States by Dewitt C. Jansen Esq. an American citizen, concerning an alleged unlawful entering of his premises by an English Bailiff on the 31st ultimo.

I regret the necessity of having to forward this communication to you, but I must beg to be informed whether the statements in Mr. Jansen's letter are true.

I have, etc,
(Signed) David H. Bailey,
U. S. Consul General,

Shanghai, June 10th, 1879.

Sir:—

In reply to the letter handed to me from the United States Consulate General, I beg to state that I entered the Astor House Hotel to take possession of Mr. Vernon's property with the full Knowledge and consent of Mr. Jansen's representative Mr. Shadgeth, (I believe a British subject) who told me that I could take possession but take nothing away as he was responsible for the house during Mr. Jansen's absence, I then locked the backdoor and gave Mr. Shadgeth the Key, then placed a Bailiff to watch the front door to see nothing removed. I was informed by Plaintiff's councel that Mr. Jansen was a Danish subject and upon applying to the Danish Consul for authority was informed that Mr. Jansen claimed American protection.

Finding the United States Consulate closed, I returned to the Astor House Hotel and found Mr. Jansen had returned and had ordered the Bailiff off the premises.

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I told the Bailiff to remain in the public thoroughfare and if he saw any luggage marked "Vernon" to see which steamer it was put onboard and let me know as Mr. Vernon was leaving for Japan the following morning and I was not sure whether his luggage would be put onboard the "Glenfinlas" or the "Dragon" as both steamers were to leave for Japan the same morning.

I beg to remain Sir, &c,

(Signed) Alfred Barnes
Chief Constable.

To

A. Davenport Esquire,
H. M's. Consul.

Shanghai, 12th June, 1879.

D. H. Bailey Esquire,
etc. etc. etc.

Sir:

In order that the verbal statements made by me in reference to the writ of execution issued by the British Authorities against the personal effects of Mr. H. Vernon may be placed on record, I beg to state;

That on the evening of the 31st of May, I met Dr. Latham near the Garden Bridge and informed him of what had taken place at the Astor House, a few hours before, and requested him that should the British Consul attempt to get the said writ stamped at the U. S. Consulate before I could report the affair to you he should inform you of Mr. Vernon's being indebted to me for board and lodging and that I intended to hold the effects under a landlord's lien.

These facts were I believe reported to

you by Dr Latham on the following day and also verbally by myself on the following morning of the 2d instant.

I am, Sir, etc,

(signed) D. C. Jansen.

H. M's Consulate.
Shanghai, 13 June, 1879.

D. H. Bailey Esquire,
etc. etc. etc.

Sir:–

I have the honor to acknowledge the receipt of your despatch of the 9th instant forwarding copy of a letter you had received from Dewith C. Jansen Esq., a United States citizen, complaining of an unlawful entry of his premises by one of my officers.

In reply I beg to enclose a copy of a report from the officer in question, explaining how the unintentional error occured, and at the same time request you to assure the above mentioned D. C. Jansen Esqr. that he need not apprehend any further visits of this nature on the part of my officer without your prior sanction.

I have, etc.

signed Arthur Davenport

H. M's Consul.

U. S. Consulate General
Shanghai, June 24th, 1879.

Arthur Davenport Esquire,
etc. etc. etc.

Sir:

I have the honor to acknowledge the receipt of your despatch No. 40, bearing date June 13th enclosing a copy of a letter from Chief Constable Barnes explaining the circumstances under which he entered the premises of Dewitt C. Jansen Esquire and I am requested to inform Mr. Jansen that he need not apprehend any further visits of this nature on the part of your officer without my prior sanction.

The information will be communicated as requested. Thanking you for your explanation, and for the assurances in your despatch.

I have, etc.
(signed) David H. Bailey.
U. S. Consul General

United States Consulate General,
No. 12131. Shanghai, June 25th, 1879.

Arthur Davenport Esquire,
etc. etc. etc.

Sir:

I have the honor to acknowledge the receipt of your despatch No: 10. of the 7th instant, concerning certain Warrants of execution issued out of Her Britannic Majesty's Supreme Court for China against the goods of a British subject, named Vernon, who had been lodging at the Astor House Hotel in this settlement, the manager of which Mr. Jansen, is a citizen of the United States, and which warrants I had been requested by your Chief Constable Barnes on the 2d instant to back with a view to authorize a levy against the goods of Vernon. Mr. Barnes reports to you a conversation had with Mr. Latham, clerk of this court, concerning my refusal to stamp the warrants, and I am asked to inform you whether I refused to back them, and, if so, to give my reasons therefor. My remarks are inaccurately reported by Mr. Barnes.

On the 20th of December last, a suit in Admiralty, having been commenced in the United States Court for this Consular District by the American Bark "Vesuvius" against Messrs Olyphant & Co, citizens of the United States, and it appearing that certain Credits and effects belonging to the Defendants were then in the hands of the Chartered Mercantile Bank of India London and China, a British Corporation, I applied, in due form, as Judge of this Court, to the Chief Judge of Her Britannic Majesty's Court for China and Japan for an endorsement, or other order, or process, to hold said credits, and effects subject to execution in satisfaction of a judgment of said Bark "Vesuvius", should a judgment be obtained in that behalf.

To this application the Chief Judge of Her Britannic Majesty's Supreme Court replied, December 21st, that he had no power or authority to endorse or approve the said warrant.

Referring to treaties it occurred to me that perhaps Her Britannic Majesty's Consul was the proper official to whom I should make application as the person having power and authority to endorse and approve the said warrant of attachment. Accordingly on the 24th of December last I addressed, in my judicial capacity, a letter to you, a copy of which I enclose, requesting you to approve and endorse the warrant of attachment, or issue, or cause to be issued, a similar, or such other order or process, as might be deemed proper and necessary to subserve the ends of justice. To this letter I have not had the honor to receive an acknowledgement.

On the 28th of the same month you were kind enough to send me a note saying that if I would call on Judge French on the following Monday you felt assured that I would have no difficulty in arriving at an understanding concerning the matter in question.

In accordance with this intimation I called on Chief Judge French, at the time named in your note, but found his views as expressed then were identical with those given in his letter of December 21st. During the course of this interview, I put the question to the Chief Judge as to whether in case of the suit of the "Vesuvius" proceeding to judgment against Olyphant & Co, he would as Chief Judge approve and endorse a writ of execution in said case issuing out of this Court, with a view to effect a levy on said credits and effects of said Olyphant & Co in the custody of said Bank. The Chief Judge replied that he could not, as he had no power or authority to do so.

The situation here with reference to the various foreign Courts is so peculiar that without active comity in the enforcement of their respective writs, justice must often be defeated; as it turns out to have been, by reason of not being able to reach the credits and effects named, in the case of a British subject who obtained a judgment in this Court against Olyphant & Co.

In reference to the peculiar situation concerning this comity between these Courts, the Attorney General for the United States Mr. Caleb Cushing, said:
"Perhaps neither Government is under perfect
"obligation to do this, but it may do so in
"obedience to national comity, it can
"rightfully do so if it will; and its
"obligation to do so will be perfect, provided
"the exercise of the right be reciprocated
"by the other Governments."

On the 1st of June I was informed by the Clerk of this Court, that your Constable had entered the premises of Mr. Jansen, had then seized the goods of Mr. Vernon and had levied an execution issuing out of Her Britannic Majesty's Supreme Court on the goods; that Mr. Jansen had a landlord's lien on the said goods, all of which will more fully appear in a letter of Mr. Jansen to me, a copy of which is enclosed. Subsequent to my receiving this information, the Clerk of this

Court presented the warrant of execution, named in your letter for my endorsement.

In view of the facts hereinbefore stated, and considering that the Chief Judge of Her Britannic Majesty's Supreme Court had refused to endorse the writ of this Court in the case of the Bark "Vesuvius" against Olyphant & Co, or to aid this Court in that case by any other order or process, and had gone so far as to say that he could not authorize or assist a warrant of execution issuing out of this Court in that case, and having received no reply to my letter of the 24th of December, addressed to Her Britannic Majesty's Consul for Shanghai, nor having obtained any assistance from Her Britannic Majesty's Consul in that behalf, as Judge of the United States Court for this Consular District, I was under no obligation to authorize the levy of the execution named in your letter, to be made against the goods of Vernon on the premises of Mr. Jansen; for there are no such obligations unless they are reciprocal.

Therefore, with much regret, I declined to give your execution validity by endorsing it.

While I fully recognize the great importance, in the interest of justice, that the various foreign Courts of Shanghai, international in character, should assist each other in the enforcement of their several "Mesne" and final processes, and while, as presiding Judge of this Court, I will go to the farthest limit of the true rule of comity for the purposes named, yet, unless that comity is reciprocal it cannot remain effectual.

I have, etc,

(signed) David H. Bailey.

Consul General.

Despatch No. 484.
Inclosure 2.

Mr. Seward to Mr. Bailey –
No. 179. September 12th, 1879.

Sir:–

I have received your despatch of Sept. 2nd, reporting questions which have arisen between you and the Judge of the British Supreme Court at Shanghai in regard to the execution of processes issuing out of your respective courts directed against property in the possession of persons who are subject to the jurisdiction of the other Court, or against property so situated that it can be reached only by the aid of the Authorities of the other nation.

I am aware from my own experience at Shanghai that the Supreme Court finds it difficult to give effect to a writ of attachment such as was issued by you in Messrs Olyphant's case. My impression is that such writs are not known to their law.

I have not the means to inform myself here but it seems to me on the other hand, that procedure of an analogous sort must be known to English law, which, in the given cases, would enable you or the plaintiff, by direct notice to the Bank, or by some form of action in the British Court to accomplish the result for which the writ was issued by you.

The statement of the Chief Judge that he could not aid you to enforce a final judgment of your Court when the money of the debtor is in the hands of a British subject, indicates a serious condition of affairs, but I do not feel at liberty to believe that his statement is to be accepted broadly, or to accept it as a final declaration until the question has been brought forward practically and no solution has been found.

By request of H. M.s Minister I have given to him a copy of your closing despatch to Mr. Davenport, He is likely to make the subject one of correspondence with the Judge.

I

I shall refer this correspondence to the State Department, but I shall not at the moment ask that action be taken upon it.

I am, Sir, etc,

(signed) George F. Seward.

Ack'd, approving Dec. 6.

DEPARTMENT OF STATE
NOV 20 1879
RECEIVED

Approve
C. P.

Mr Adee & Mr Wood

No. 485. Two Enclosures.

Legation of the United States.
Peking, September 30th, 1879.

George F. Seward to
the Secretary of State.

Read
A.W.W.

Subject.

Consular Agent at Swatow.

Synopsis.

Mr. Williams complains that he is not treated with proper respect by Chinese officials. Mr. Seward proposes to bring the matter to the notice of the Foreign Office.

No. 485. Two Enclosures.

Legation of the United States.
Peking, September 30th, 1879.

Honorable William M. Evarts.
Secretary of State.

Sir:—

I have the honor to hand
to you herewith a copy of a 1/485.
letter which I have received
from the Consular Agent at
Swatow, complaining that the
Chinese Authorities do not
treat him with consideration
because his official rank is
of low grade, and asking my
interference. I enclose also 2/485.
a copy of my response.

I

I have already advised you that the Chinese Government look with much disfavor upon merchant Consuls, and especially object to the exercise, by such officers, of judicial functions. I shall take pains, in bringing Mr. Williams' complaint before the Foreign Office, in an informal manner, to state that officers of his grade exercise no judicial functions, and that we have adopted the system of using such officers in China, at places where it does not seem necessary to establish full Consulates, in order to meet their objections in this respect. I shall request that Consular

Agents shall be dealt with as ranking with Vice Consuls in other services, and admitted, if possible, to correspond with all the local officials, not above the grade of Intendant, on terms of equality.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

Enclosures.

1. Mr. Williams to Mr. Seward
No. 73. September 11th, 1879.
2. Mr. Seward in response.
No. 7. September 30th, 1879.

Despatch No. 485.
Inclosure 1.

Mr. Williams to Mr. Seward.

No. 73 Swatow, Sept. 11th, 1879.

Sir:

I have the honor to submit to Your Excellency an inquiry whether it would be possible to advance the title of the Consular Office at this port from ~~a~~ Consular Agent to that of "Consul" or at least "Vice Consul".

The reason for this is the fact that during the past year, whilst I have had a great deal of correspondence with the local officials, I have found them always ready to evade settlements and the proper consideration of matters laid before them on the plea of differance in official rank, I find it extremely difficult to obtain any redress from them for wrongs suffered by Americans at the hands of Chinese subjects.

It so happens that all this business with but few exceptions is with the District Magistrates, and they are the ones who take advantage of the technical language of the Treaty, to treat my correspondence with slight when it suits their purpose, I always address them Offisially, and in style of mutual communication, but they reply in unstamped, unofficial, informal and evasive notes, and sometimes by inferior Yamen runners.

This state of things is very detrimental to American interests.

I see no other way to remedy this state of affairs than to prefer a request to Your Excellency to secure if possible from the high Chinese Authorities a recognition of something equivalent to what might be designated brevet rank as "Consul" or "Vice Consul".

I beg to state explicitely that I do not ask or expect any salary for representing our Government at this port other than an allowance for Interpreters sufficient to meet the requirements of the port.

Trusting that Your Excellency will see the desirability of my being put upon a footing of equality with those officials with whom I am called to transact business and that you will devise some way in which to secure this end and assist in the developement of American influence at this port.

I have, etc,

(signed.) C. C. Williams.

Despatch No. 485.
Inclosure 2.

Mr. Seward to Mr. Williams.

No. 7. September 30th, 1879.

Sir:—

I have received your despatch of the 11th September.

I have recently been called upon by the State Department to report upon a recommendation made by yourself, through the Honorable Mr. Wells, that the Office at Swatow shall be established as a full Consulate, and I have advised that it be done, granting a full salary of $3,500 a year.

It is very desirable that the status of Consular Agents shall be defined, and I shall take up the matter as soon as my time will permit.

I am, etc,

(signed) George F. Seward.